TOWARDS
EQUALITY

Report Of The
Committee On The Status
Of Women In India

GOVERNMENT OF INDIA
MINISTRY OF EDUCATION & SOCIAL WELFARE
DEPARTMENT OF SOCIAL WELFARE
NEW DELHI
DECEMBER, 1974

New Delhi
December 31st, 1974

Dear Professor Hasan,

We have great pleasure in submitting to you the Report of the Committee on the Status of Women in India We take this opportunity to thank you for the support and understanding that you have so generously extended to us We have endeavoured to fulfil, to the best of our ability, the objectives of the Terms of Reference set before us As you are aware, they cover a wide perspective, including all the important aspects affecting the life of women Since this was the first investigation of its kind, we had no model or material to use as a frame of reference The paucity of data posed another great problem

Any assessment of the status of women cannot be done outside the social framework We have, therefore, based our enquiry keeping in mind the diversities and inequalities that prevail in our society

Our investigation has revealed that large masses of women in this country have remained unaffected by the rights guaranteed to them by the Constitution and the laws enacted since Independence Our recommendations are made primarily with a view to making these rights more real and meaningful We are confident that they will be considered in this light and measures for their implementation will be initiated expeditiously

We are fortunate that the presentation of this Report coincides with the celebration of 1975 as the International Women's Year We hope that our findings will provide better understanding of the problems facing women and aid the policy of integrating them fully in the process of national development, ensuring thereby, improvement in their status in our society

With warmest regards,

Yours sincerely,

Phulrenu Guha
Maniben Kara
Savitri Shyam
Neera Dogra
Vikram Mahajan
Leela Dube
Sakina A Hasan
Urmila Haksar
Lotika Sarkar
Vina Mazumdar

Prof S Nurul Hasan,
Minister for Education and Social Welfare,
Government of India,
New Delhi

CONTENTS

Page

LIST OF TABLES

CHAPTER II

DEMOGRAPHIC PRESPECTIVE

CHAPTER III

SOCIO-CULTURAL SETTING OF WOMEN'S STATUS

CHAPTER IV

WOMEN AND THE LAW

CHAPTER V

ROLES, RIGHTS AND OPPORTUNITIES FOR ECONOMIC PARTICIPATION :

CHAPTER VI

EDUCATIONAL DEVELOPMENT

CHAPTER VII
POLITICAL STATUS

CHAPTER VIII
POLICIES & PROGRAMMES FOR WOMEN S WELFARE & DEVELOPMENT

INTRODUCTION

The Preamble to the Constitution of India promises 'to secure to all its citizens, Justice-social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity ; and to promote among them all-Fraternity, assuring the dignity of the individual and the unity of the Nation'.

While improvement in the status of women was a pledge made by the Constitution makers and admitted by the Government from the very beginning as one of the major tasks facing the country, no comprehensive review of the achievements in this direction had been undertaken so far. Some laws, attempting to embody the principles underlying the Constitution had from time to time passed through the legislature. Attempts were made to introduce programmes of development, aimed at enabling women to play their role in our national life in an effective manner. Partly as a result of these various measures and partly because of the general processes of social change which have speeded up since independence, the status of women in our country has undoubtedly undergone considerable change. It was felt by the Government of India that while these changes have been considerable in the urban areas, the problems continued to remain virtually unchanged in most of the rural areas. Further, with the changing social and economic conditions in the country, various new problems relating to the advancement of women which had not been visualised by the Constitution makers and the Government in its earlier days have emerged. The Government of India, therefore, felt that a comprehensive examination of all questions relating to the rights and status of women in this country would provide useful guidelines for the formulation of social policies. For this purpose it constituted the Committee 'on the Status of Women by a Resolution of the Ministry of Education and Social Welfare on 22nd September, 1971. The terms of reference of the Committee were as follows : [1]

(1) To examine the Constitutional, legal and administrative provisions that have a bearing on the social status of women, their education and employment.

(2) To assess the impact of these provisions during the last two decades on the status of women in the country, particularly in the rural sector and to suggest more effective programmes.

(3) To consider the development of education among women and determine the factors responsible for the slow progress in some areas and suggest remedial measures.

(4) To survey the problems of the working women including discrimination in employment and remuneration.

(5) To examine the status of women as housewives and mothers in the changing social pattern and their problems in the sphere of further education and employments.

(6) To undertake survey or case studies on the implications of the population policies and family planning programmes on the status of women.

(7) To suggest any other measures which would enable women to play their full and proper role in building up the nation.

Recognising the wide scope of its enquiry as well as the complex nature of the study, much of which required technical expertise and knowledge in different fields, the Committee adopted various methods to carry out its task. Six small Task Forces were appointed to study in depth the problems affecting women and to assess the changes in the fields of law, education, employment, other aspects of economic life, political participation and social life in general. At a later stage the Committee appointed two Study groups of experts to advise the Committee on the general health problems that affect women's socio-economic status and on the wide prevalence of a social practice, the dowry system, in the country[2].

1. Appendix A gives the Resolutions of the Government of India constituting the Committee, and subsequent changes in its composition.
2. Appendix B gives the composition of these eight expert groups.

The Committee also undertook a few surveys[3] to assess the changes in the social status of women through significant indicators like participation in family decision making and share of work both within and outside the family, attitudes to education, employment, marriage laws and practices, purdah and general position within the family, political participation etc Information was obtained from various Departments of the Central and the State Governments regarding development programmes undertaken by them to improve the condition of women The Committee toured all States and several Union Territories to obtain first hand information regarding the problems being experienced by women in different areas State Governments were requested to arrange meetings and visits on the basis of guidelines sent by the Committee[4]

The intention of the Committee was to interview a cross section of women from different walks of life, in the distinctive regions of each State and to hold discussions with local knowledgeable persons and officials responsible for specific programmes for women's development On an average the Committee met about 500 women belonging to different categories in each State These tours were of immense value, for acquiring an understanding of the conditions of women in different parts of the country as well as for clarifying the Committee's approach to its task This approach, which we discuss at the beginning of our report has thus evolved from the evidence that we gathered in the course of our investigation

We invited views and suggestions of prominent women from all walks of public life and received some valuable comments We also met representatives of national women's organisations and other voluntary agencies working in the field of welfare, national trade union organisations, political parties, leading women in public life, and invited their suggestions Two seminars were organised by local women leaders in Bombay and Madras to assist the Committee's work We also invited some individual experts non officials and officials to discuss specific problems in their fields[5] Our thanks are due to all these organisations and individuals for their assistance in our task

As our investigation progressed we identified areas and problems that required careful, scientific and expert investigation Since it would have been impossible for the Committee to cover such a wide range of subjects by itself it was necessary to seek the assistance of scholars and experts in different fields for this purpose Since all the problems concerned different aspects of social change, we sought the assistance of the Indian Council of Social Science Research

The Committee places on record its gratitude to the Indian Council of Social Science Research, New Delhi and particularly to Sri J P Naik, its Member Secretary, for the invaluable help they have rendered, in having commissioned, at our request a series of special studies and placing them at our disposal We are indebted to the band of scholars who undertook these studies[6] Some of these studies are based on published material scattered in different books and periodicals, others are based on empirical investigations which have produced original data on specific problems that have a bearing on the status of women This body of material has proved to be of immense value for our Report We hope it will also provide sources for subsequent research regarding women's status problems and the impact of social change on different categories of women in this country Since these studies were conducted by social scientists of various disciplines many of whom had never thought of investigating these particular problems of women's status before, we may also hope that their experience will stimulate further research in these fields

We would like to record our gratitude particularly to Dr Ashish Bose and his colleagues at the Institute of Economic Growth for their specialised assistance in helping us to comprehend he complex problems of population trends We must convey our thanks to the Indian Institute f Technology, Delhi and the University Grants Commission for permitting members of heir staff to undertake studies for us We also thank the Indian Institute of Public Administra on for all the help rendered to us We must record our thanks to Shri Ranjit Batta for anslating the Portuguese Civil Code, the Anthropological Survey of India and the members the staff of the Office of the Registrar General, Census for their assistance in the collection data

3 Appendix C gives details
4 Appendix D gives details of these tours and the guidelines sent to State Governments
5 See Appendix E
6 Appendix F gives the full list of the studies prepared for the Committee and their authors

Our thanks are also due to the various Departments of the State and Central Governments and the Chairmen of the Central and State Social Welfare Boards for the cooperation extended to the Committee. We also have to thank the large number of individuals, men and women, in different States, for their assistance in making our tours purposeful. We also thank the members of our Task Forces and Study Groups.

The Committee held 31 meetings extending over 65 days. At the 17th meeting, held on 29th June 1973, it was decided to constitute a sub-committee for preparation of the draft Report[7]. Without their unremitting labour, it would not have been possible for us to complete our Report.

Our Secretariat—particularly our small but devoted band of research staff extended unstinted support and co-operation[8] in carrying out our investigation, for which we are deeply grateful. Our thanks are especially due to Smt Urmila Gupta, Deputy Secretary and Dr. Kumud Sharma, Research Officer, for their assistance to the Drafting Committee.

Finally we must place on record our gratitude to the Member-Secretary, Dr. Vina Mazumdar for her energy, efficiency, and dedication, which enabled us to complete our work within the stipulated time.

The problems affecting women's status in India are so vast, complex and dynamic that we can only claim to have made a beginning in studying them. Changes in the status of women will be a long term aspect of our social process and will require continuous examination and assessment by persons interested in social change. We hope our efforts have succeeded in at least generating some specific interest in this field.

7. Appendix G gives the names of members of the Drafting Committee.
8. Appendix H gives the list of the Committee's Secretariat.

CHAPTER I

APPROACH TO THE STUDY OF STATUS OF WOMEN IN INDIA

1 01 Our terms of reference clearly indicate three major dimensions and objectives for our enquiry —

(a) To assess the impact of the constitutional, legal and administrative provisions on the social status of women their education and employment particularly in the rural sector during the last two decades,

(b) to examine the status of women in the changing social pattern, and

(c) to suggest remedial and other measures in the fields of law, education, employment, population policy etc, "which would enable women to play their full and proper role in building up the nation"

1 02 The frame work for the study was thus provided on the one hand by the constitutional provisions that have a bearing on the status of women and, on the other, by the clear objective specified in the last term of reference viz enabling women to play their 'full and proper role in building up the nation' Apart from making it unnecessary for us to define the objectives, the scope and the need for the study, they gave us two clear frames of reference, against which existing conditions in our society could be measured

1 03 The Preamble to the Constitution of India resolved to secure to all its citizen Justice, social, economic and political, Liberty of th[illegible] belief, faith and worship, Equal[illegible] promote among the[illegible] the un[illegible]

1 04 To attain t[illegible] rights and freedom[illegible] as freedom of speech, protection of life and personal liberty [illegible] the Constitution guarantees certain fundamental [illegible] While these may be termed positive rights, the negative rights are the prohibition of discrimination or denial of equal protection[1].

1 05 Indian women are the beneficiaries of these rights in the same manner as Indian men. Article 14 ensures 'equality before law' and Article 15 'prohibits any discrimination' There is only one specific provision in Article 15(3), which empowers the state to make 'any special provision for women and children', even in violation of the fundamental obligation of non-discrimination among citizens, *inter alia* of sex This provision has enabled the State to make special provision for women, particularly in the field of labour legislation like the Factories Act, the Mines[2] Act, etc These special provisions in favour of women need not be restricted to measures which are beneficial in the strict sense, and therefore, the provision upholding that a man is punished for adultery but not a woman was regarded as not being discriminatory[3]

1 06 Article 16 (1) guarantees "equality of opportunity for all citizens in matters relating to employment, or appointment to any office under the State" And Article 16(2) forbids discrimination "in respect of any employment of office under the State" on the grounds only of "religion, race, caste, sex, descent, place of birth, residence or any one of them" The obligation not to discriminate in matters relating to employment or appointment to any office under the State has thus at least normatively ensured a significant position and status to Indian women However, the Supreme Court recently dismissed *in limine* a writ petition of a woman lawyer who challenged her being prevented from employment in the law branch Judge Advocate General's office for a 5 year short service commission The reasons given by the Government for barring women from applying were that 'they are required to travel by rail, road and river, sometimes for long periods at a stretch, they will have to be present in Court Martial where judge, accused and witnesses will all be males, and

---

1 Basu—Commentary on the Constitution of India (3rd edition) p 69
2 Infra Chapter V for details
3 Yusuf v State of Bombay 1954 S C 398

Our thanks are also due to the various Departments of the State and Central Governments and the Chairmen of the Central and State Social Welfare Boards for the cooperation extended to the Committee. We also have to thank the large number of individuals, men and women, in different States, for their assistance in making our tours purposeful. We also thank the members of our Task Forces and Study Groups.

The Committee held 31 meetings extending over 65 days. At the 17th meeting, held on 29th June 1973, it was decided to constitute a sub-committee for preparation of the draft Report[7]. Without their unremitting labour, it would not have been possible for us to complete our Report.

Our Secretariat—particularly our small but devoted band of research staff extended unstinted support and co-operation[8] in carrying out our investigation, for which we are deeply grateful. Our thanks are especially due to Smt Urmila Gupta, Deputy Secretary and Dr. Kumud Sharma, Research Officer, for their assistance to the Drafting Committee.

Finally we must place on record our gratitude to the Member-Secretary, Dr. Vina Mazumdar for her energy, efficiency, and dedication, which enabled us to complete our work within the stipulated time.

The problems affecting women's status in India are so vast, complex and dynamic that we can only claim to have made a beginning in studying them. Changes in the status of women will be a long term aspect of our social process and will require continuous examination and assessment by persons interested in social change. We hope our efforts have succeeded in at least generating some specific interest in this field.

7. Appendix G gives the names of members of the Drafting Committee.
8. Appendix H gives the list of the Committee's Secretariat.

CHAPTER I

APPROACH TO THE STUDY OF STATUS OF WOMEN IN INDIA

1.01 Our terms of reference clearly indicate three major dimensions and objectives for our enquiry.—

(a) To assess the impact of the constitutional, legal and administrative provisions on the social status of women, their education and employment particularly in the rural sector during the last two decades,

(b) to examine the status of women in the changing social pattern, and

(c) to suggest remedial and other measures in the fields of law, education, employment, population policy etc , "which would enable women to play their full and proper role in building up the nation".

1.02 The frame-work for the study was thus provided on the one hand by the constitutional provisions that have a bearing on the status of women and, on the other, by the clear objective specified in the last term of reference, viz enabling women to play their 'full and proper role in building up the nation'. Apart from making it unnecessary for us to define the objectives, the scope and the need for the study, they gave us two clear frames of reference, against which existing conditions in our society could be measured.

1.03 [illegible] solved to secure to all its citizens [illegible] Liberty of thought, expression, [illegible]

[illegible] contain fundamental [illegible] liberty While [illegible] discrimination or denial of equal protection[1].

[illegible] ies of these rights in the same manner as Indian men. [illegible] and Article 15 'prohibits any discrimination'. There [illegible] 15(3), *which empowers the state to make 'any special* provision for women and children', even in violation of the fundamental obligation of non-discrimination among citizens, *inter alia* of sex. This provision has enabled the State to make special provision for women, particularly in the field of labour legislation like the Factories *Act, the Mines[2] Act, etc. These special provisions in favour of women need not be restricted* to measures which are beneficial in the strict sense, and therefore, the provision upholding that a man is punished for adultery but not a woman was regarded as not being discriminatory.[3]

1.06 Ar[illegible] in matters relating to [illegible] Article 16(2) forbids di[illegible] State" on the grounds o[illegible] any one of them". [illegible] appointment to any office under the State has thus at least normatively ensured a significant position and status to Indian women. However, the Supreme Court recently dismissed *in limine* a writ petition of a woman lawyer who challenged her being prevented from employment in the Judge Advocate General's office for a 5 year short service commission in the law branch. [illegible] from applying were that 'they are [illegible] periods at a stretch; they will [illegible] witnesses will all be males, and

1. Basu—Commentary on the Constitution of India (3rd edition) p 69.
2 *Infra Chapter V for details*
3 Yusuf v State of Bombay 1954 S C 398

that lady advocates are required to study life of soldiers (all males) in Army Units for several months[4]. The Government failed to appreciate the fact that these same grounds would also apply to the nursing and medical corps of the Army where women are employed.

1 07 In this context we would like to mention that during the tenure of Sri Charan Singh as Chief Minister, and under his instruction, the Government of Uttar Pradesh attempted a direct violation of this constitutional provision. In reply to a question asked in the Uttar Pradesh Vidhan Sabha on 16 July 1971, the State Government admitted that "in June 1970, the State Government sent a letter to the Government of India stating that women officers should not be admitted to the Indian Administrative Service. If that was not possible, then at least they should not be sent to this State".

Though this attempt did not succeed, it is a pointer that vigilance is necessary to ensure that the special provision permitted under Article 15 (3) is not used to the detriment of women by legislative or executive action.

1.08 The Directive Principles of State Policy enunciated in Part IV of the Constitution, embody the major policy goals of a welfare State. They concretize, together with the chapter on Fundamental Rights, the constitutional vision of a new Indian socio-political order. The Directive Principles are declared as non-justiciable; but "nevertheless fundamental in the governance of the country", and the state is charged with "a duty...to apply these principles in making laws" (Article 37). The Directive Principles were made non-enforceable in courts because it was felt that their fulfilment would be spread over a time-dimension of a few decades. The constitutional values embodied in the Fundamental Rights chapter needed immediate implementation; but in the case of the Directive Principles, this was not possible save at the cost of the viability of the state.

1.09 Juridically, the Directive Principles are a vital part of Indian Constitutional Law. Like the Preamble, they reflect high ideals of a liberal democratic polity; they are meant to be used by all agencies of the State as guidelines to action as major goals of policy; courts can use them as a body of values and standards relevant to the act of judicial choice-making. But the Directive Principles confer no power or legislative competence; nor can they give rise to a cause of action for which remedy is available in a court of law. The principles in themselves do not confer power, bestow rights, or create remedies. At the same time, they cannot be amended, save through the prescribed procedure. Some of them concern women indirectly or by necessary implication. A few are, as it were, "women-specific"[5]. In the first category fall—

(a) the omnibus provision of Article 38 which in brief directs the State to secure a just social, political and economic order, geared to promote the welfare of the people; Art. 39 (b) (c) and (f) distribution of ownership and control of material resources of the community for the common good, prevention of concentration of wealth and means of production to the common detriment, and protection of childhood and youth against exploitation and moral and material abandonment; Art. 40 (organisation of village panchayats to promote self-government); Art. 41 (right to work, education and public assistance in cases of unemployment, oldage, sickness, disablement and other types of underserved wants); Art. 43 (provision of work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure, of social and cultural opportunities, and the promotion of cottage industries); Art. 44 (uniform Civil Code); Art. 45 (free and compulsory education for all children up to the age of 14; and Art. 47 (raising the level of nutrition and the standard of living of the people and improvement of public health).

(b) Directive Principles which concern women directly and have a special bearing on their status; These include Art. 39 (a) (right to an adequate means of livelihood for men and women equally); Art. 39 (d) (equal pay for equal work for both men and women); 39 (e) (protection of the health and strength of workers—men, women and children from abuse and entry into avocations unsuited to their age and strength); and Art. 42 (just and humane conditions of work and maternity relief).

---

4 Asha Goel v. Union of India.

5. Baxi, Upendra—'Constitutional Provisions relating to Status of Women—an analytical examination': Paper prepared for the Committee.

1.10 As already mentioned, the Fundamental Rights and the Directive Principles are the instruments to attain our national objectives of Justice, Liberty and Equality. By adopting the principle of adult franchise, it seeks to establish a democratic republic by giving the adult population direct or indirect share in the Government.

1.11 The special attention given to the needs and problems of women, to enable them to enjoy and exercise their Constitutional equality of status, along with other specific provisions relating to the hitherto suppressed sections of our society have led many scholars to describe the Indian Constitution as a 'social' document embodying the objectives of a social revolution. There is no doubt that the Constitution contemplates attainment of an entirely new social order by making deliberate departures in norms and institutions of democratic governance from the inherited social, political and economic systems. In doing so the Constitution assigns primacy to law as an instrument of directed social change. It thus demands of the legislature, the executive and the judiciary, continuous vigilance and responsiveness to the relationship between law and social transformation in contemporary India.

1.12 The field of our enquiry was complicated by many groups of variables, making our investigation, particularly the search for trends and patterns of social behaviour and attitudes, highly complex and difficult. Some of them stemmed from the characteristic features of our society, others from processes of change released by modernization and development. Some others were repercussions of the historical vicissitudes that affected India in the last few centuries, particularly the impact of a colonial regime and exposure to a foreign culture. Lastly, they also reflected the influence of the struggle for freedom and social justice. While all these variables are closely inter-related, for the sake of clarity we may classify them in the following manner :

(a) ***Characteristics of our society with its lack of homogeneity even within the basic pattern of inequalities :***

1.13 While it is true that the status of women constitutes a problem in almost all societies, and has emerged today as a fundamental crisis in human development, we found that sex inequality cannot in reality be differentiated from the variety of social, economic and cultural inequalities in Indian society. The inequalities inherent in our traditional social structure, based on caste, community and class have a very significant influence on the status of women in different spheres. Socially accepted rights and expected roles of women, norms governing their behaviour and of others towards them vary among different groups and regions. They are closely affected by the stage and methods of development, and the position held by the group in the social hierarchy. All this makes broad generalisations regarding women's status unrealistic. It was, therefore, necessary to understand the reality of women's roles and status in the different strata of our society.

(b) ***Impact of the complex process of socio-economic and political change :***

1.14 The complex processes generally described by broad terms like modernisation, democratisation, development, urbanisation, industrialisation, etc., have all affected the status of women in differing degrees. Here again, it was not possible to discover any uniform pattern of this impact, since not all sections of women have been affected by these processes [illegible]

[illegible] various modernising forces result in an intensification of inequalities, then we are moving away from the spirit of the Constitution. It was, therefore, important to understand the [illegible] of these changes in order to assess the nature of their impact on different sections of our women.

1.15 The issue of social change in India is a complex one. Given the highly [illegible] heterogeneous social situation in the country, it is not surprising that change [illegible] directions, some of which even conflict with one another. We had to [illegible] those components of this change which affect the [illegible]
with structural changes in the economy as a [illegible]
and technological change in the methods of [illegible]
the growth of population has increased both [illegible]
wider avenues of participation in the social process have both contrib[illegible]
the increase in social inequalities that resulted from this process. [illegible]

extent of their impact on the roles, rights and opportunities open to women in different spheres of social life.

1.16 It was also necessary to consider the difference between what are called 'traditional' and 'modern' values, in so far as they affect the life of women. Here again, we discovered that traditionalism and modernity do not necessarily reflect their temporal setting. Traditional values handed down from generation to generation were modelled on the ideal behaviour pattern of the upper classes of our society. Any improvement in the economic conditions of the lower castes or classes has almost invariably led to their adoption of these values. An important component of upper caste values was the seclusion of women and their withdrawal from work outside the home.

1.17 From the point of view of the socially lower groups, adoption of these values enhances their status in the social hierarchy. We could see the impact of this ideology operating among these groups even now. On the other hand, a considerable section of the upper class or the middle class of today has abandoned these values in favour of what is generally regarded as 'modern' ideology regarding equal rights and opportunities of women for participation in the social process. This indicates certain structural changes within the value system and behavioural norms of the midde class under the compulsion of social change. The process of emulation of the traditional values of the upper classes by others, however, though they constitute modernity in the thinking of the latter, is a trend in the opposite direction. It is obvious that the impact of these contradictory forces is bound to give rise to certain ambiguities and confusion in the minds of both men and women in our society.

(c) Instruments of social engineering :

1.18 The period after Independence witnessed the enactment of a number of laws that sought to apply the principles underlying the Constitutional guarantees to the sphere of social life. The reforms in personal laws governing marriage and inheritance, the labour laws ensuring humane conditions of work, maternity benefits and welfare of workers, and social laws seeking the protection of women and children against immoral traffic and exploitation, tried to remove the disabilities that contributed to the low status of women in our society. At the same time, the policies and programmes for economic and social development initiated by the Government, attempted positive action to improve and widen opportunities for women to participate in the social processes in a more effective manner. Education, vocational training, health services, family planning, welfare and development programmes, sought to change and improve the conditions of living and the mental horizons of women.

1.19 Apart from examining these measures initiated by the Government, we had to include under this category, the organised or individual efforts to bring about changes in social attitudes and norms of behaviour that were generated by the community. Most of them had started either as a part of the Freedom Movement, or dated back to the earlier movement for social and religious reform that developed in the 19th century. Leaders of public opinion and community organisations had sought to mobilise various groups of people to propagate measures for upliftment of women's status. The ideology that emerged from these various attempts—governmental and social—have helped to shape the goals and left an impact on the minds of any sections of our society, and have played a significant role in changing the status of women.

(d) Degrees of social acceptance of desired goals :

1.20 Indicators of social acceptance of any goals set for the future must include attitudes of men and women as well as the availability of institutionalised infrastructures that support the attainment of such goals. Examining this group of variables involved discussing the influence of traditional, cultural and religious norms, as well as the impact of modern values such as human rights, social justice, equaliy and participation. It also involved examining the regional differences in the cultural norms that affected women's roles and participation in the social process. This revealed the positive and negative sets of social factors which affected the success or failure of the policies and instruments of social engineering, i.e. institutionalized opportunities as well as disabilities that affect women's enjoyment and exercise of various legal and constitutional rights and their performance of the multiple roles that the goals of our society call for.

(e) Positive factors influencing women's progress :

1.21 We had to examine the actual achievements in the fields of education, employment, health, institutionalized welfare facilities and services for development and participation in

different levels and spheres of national life It was also necessary to study the disappearan or removal of certain traditional taboos that had sought to restrict women's life to limit sphere,

(f) Negative factors influencing women's progress

1 22 We had to identify the centres of resistance to the desired change in women's statu and roles and the disabilities that still hamper many groups of women at different levels o existence In the process of this examination we attempted to identify the lacuna o deficiencies in the instruments of social engineering that have caused the failure to overcome these negative influences

1 23 In order to study the nature and influence of these broad studies of variables we had to depend on various types of indicators Quantitative indicators provided by vital statistics of birth and mortality rates sex ratio rates of participation in economic and political life, literacy and education provided certain broad measures and trends None of them could, however, be studied meaningfully without a qualitative appraisal and ... limitations in a field of this kind For instance ... normally used for most ... dous socio economic ... between stated so... realities, betw... improvement ... coupled with ... to think that the status of an average Indian woman was very high ... position achieved by a minority of women, ... political participation ... indicated rapid however, show that while opportunities had widened immensely at certain levels of soc... enabled women to forge ahead in areas which had been completel... These trends could mislead us years, for the other levels of society th... Detailed investigations between regions comm... tive methods assess these dif...

Sources of Data

1 24 The sources of data availed of by the Committee may be broadly classified under three categories

(1) Basic documentary sources—primary, secondary and tertiary—which provide vital statistics and other demographic data trends of development and decay, and often present the state of affairs in particular areas of life

These included —

— Census and Registration data, their analysis as also comparative studies based on such material indices worked out from them, etc

— National Female Surveys and records available with various organisations including government departments ,

— Reports of committees and commissions appointed by the Government from time to time

These provided the necessary information on economic participation of women, literacy and education, political participation governmental efforts—both legislative and administrative—towards improvement of women's status

(2) Special studies based on literature using both ... These were prepared at our request by scholars ... mentioned below indicate the coverage attempted ...

content analysis, mainly to understand the trends in social attitude regarding ...

image of women in the various religious traditions of India ,

status of women in family, kinship marriage and household ,

customary marriage institutions in tribal and non tribal India ;

status of women among Scheduled Castes and Scheduled Tribes ;

political roles and status of women since Independence—all-India and State ...

— health and nutritional status of women ;

status of women in different branches of personal and criminal laws and laws governing citizenship ;

— status of women in different professions ;

— women in different industries ;

— protective laws governing women's employment in organised industry.

(3) The Committee acquired its first-hand material for the Report by the following means :

(a) Tours of different States and Union Territories. In these tours, we observed and interviewed various categories of people in both urban and rural areas. Factual information and opinions on attitudes and problems, were obtained from a cross-section of men and women with greater emphasis on women.

(b) Planned empirical studies. These were undertaken by the Committee or the Task Forces or were assigned to research organisations or individual scholars. The important ones were :

— attitudes to co-education and choice of subjects among girl students with a sample from six States ;

— programmes for development and welfare of women--from all departments of the Central and State Governments.

(c) The Committee invited men and women working in different fields to discuss problems connected with the status of women of diverse categories and socio-economic levels. These included professionals like lawyers, journalists, educationists, doctors and social workers; experts in family planning programme, research and mass communication; representatives of political parties, women's voluntary organisations, and trade union organisations and officials from various Government departments.

1.25 **Problem of Periodisation :**—Determining the starting point for our enquiry posed a dilemma. The Constitutional provisions could provide only a framework of abstract principles. We needed a concrete framework against which the changes and their directions could be measured. The year of Independence could have been a possible base for certain aspects like education, or political participation for which data was available in a concrete form, but we soon found that this was not possible in other cases. Trends in population, employment, and changes in social roles, responsibilities, challenges and burdens had begun much before Independence. It was also obvious that any understanding of the motives of the Constitution-makers would be impossible without a background of the Freedom and the Reform Movements that affected the status of women. It was important to look back as well as forward to acquire a proper perspective for the study of the present, since a society in the process of a rapid transformation cannot be measured except in terms of both past and future.

1.26 **Problem of Definition :**—Before going into the diverse aspects of the status of women in India, it is essential to offer an operational definition of the term status and consider also other allied and interlinked categories, Status refers to a position in a social system or subsystem which is distinguishable from and at the same time related to other positions through its designated rights and obligations. In the pure sociological sense, status does not imply rank or hierarchy but denotes only position vis-a-vis others in terms of rights and obligations. But as each status position in a particular structure can be viewed in terms of superiority and inferiority (i.e. in terms of power, privileges, advantages, and disadvantages), the notion of status involves comparison and grading. In assessing the status of women we shall follow the comparative approach as well.

1.27 At this juncture we need to adopt a broader perspective and understand that status denotes relative position of persons, groups, social strata, and a range of identified social categories. Men and women acquire their identities through groups, strata, and categories; as such it is imperative to take note of them in assessing women's status in India.

1.28 Each status position is expressed in terms of a role. Role denotes a set of expectations and obligations associated with a particular status position within a group or social situation. The expectations and obligations entailed by a role are in terms of activities and qualities. Each individual occupies a number of distinct statuses within a society and therefore he/she performs a variety of roles. Further, around each particular status position centres a role-set.

1.29 It is useful to make a distinction between ideal role behaviour, expected role behaviour,

and actual role behaviour Processes of change are responsible for considerable divergence between these three aspects of a role. Performance of multiple roles in varied social situations often leads to a change in the role perception of individuals Changes in the actual role performance over a period of time influence the expected role behaviour, and gradually there are changes in the ideal role behaviour But this process is characterised by unreasonable expectations of others and by the incompatibility between the various roles that an individual has to perform in a given situation This is particularly relevant for women in India

1 30 In respect of some institutionalized disabilities, women as a whole can be compared with men as a whole, for differences between the status of men and women are important in the cognitive map as well as in ordering interpersonal relations Presence of ascriptive norms in respect of sex-linked statuses are universal with wide variations in achievemental avenues open to them *

1 31 As pointed out earlier, a woman like any person, occupies very many status positions at a given point of time and plays a number of roles, such as those in the kinship system, family system, and the wider social system Her status in society is usually not determined by any one particular status position held by her, but by her composite status which results from the merging of various statuses To this should be added her consciousness of her own status

1 32 There are multifarious principles of status differentiation operating simultaneously—place in ritual hierarchy, financial position, independent job, education, political participation, and so on A woman of the labour class enjoys a certain degree of autonomy in the house, but she has a low status in the wider setting Similarly a housewife in a well-to do home may be enjoying an overall high status, but she may be a distinctly inferior partner in the house In investigating the position of women, various institutional settings have to be taken into account

1 33 Status is realized through roles Hence the best way to assess the status of women of any group or category, or in any sub-system is to analyse the roles women are being called upon to play and the manner of their performance This also brings in the [illegible] rights and opportunities provided to them by the State and by social and cultu[illegible] institutions which do not necessarily or always reinforce each other

1 34 Examination of the groups of variables indicated earlier made it clear [illegible] of women in the Indian context cannot be defined simply General concep[illegible] role differentiation, legal, social and political rights, dependency or indep[illegible] applicable to all sections of our population Since a very large sectio[illegible] still continues to be under the influence of traditional standards, we had to [illegible] conception, norms and values in all their wide variety in traditional soci[illegible] dimensions in women's status and roles introduced by the Constitution [illegible] social change Traditional India had seen a woman only as a mem[illegible] group—as daughters, wives and mothers—and not as an individual [illegible] of her own The radicalism of the Constitution and its delib[illegible] inherited social system lay in its implicit assumption that ever[illegible] social position or accomplishments, will function as a citizen [illegible] [illegible] le motherhood is an impor[illegible] regarded as the only [illegible] and institutions, and [illegible] expected to play in the political, social and economic sph[illegible] constraints on women's ability to perform such roles [illegible] of these disabilities and constraints

1 35 Analysis by Categories—An examination of [illegible] constraints that affect women's performance of these [illegible] to examine these constraints at different levels of [illegible] tions imposed by social attitudes and norms [illegible] e g education and other employable skills [illegible] studying women in different categories [illegible] can be categorised by castes, commun[illegible] broad categories were as follows —

* *Ascribed status* refers to "any status th[illegible] but on inherited positions in the [illegible] through his efforts, often through comp[illegible]

(a) women below the subsistence line, whose problems and constraints are radically different in nature from those suffered by women in other sections of society;

(b) women who move continuously betweeen security and subsistence, and often descend below the subsistence line with the disappearance of their means of earning a livelihood; and

(c) women firmly above the security line.

Guiding Principles and Criteria:

1.36 Our guiding principles and criteria follow naturally from our terms of reference. The first of these are the values and goals put forward in the constitution, namely equality and social justice.

1.37 Equality is an article of faith in our Constitution and guaranteed by specific articles. We could therefore, treat this as a settled fact, for which no discussion was necessary. Our investigation, however, proved that there was still considerable ambiguity as well as ambivalence in the general understanding of the need and implications of sex equality in our country.

1.38 The history of the discussion on women's rights, both in the Constituent Assembly and in the Central Legislature over the Hindu Code Bill in the period immediately after Independence, indicates that attitudes towards women's equality vary sharply. As long as the discussion was on abstract principles, as was the case during the debate on Fundamental Rights in the Constituent Assembly, there was no dissentient voice to challenge or even to provoke a discussion on this historic decision. When it came to applying the same principles on established preserves of traditional male privileges, such as the right to property and the unchallenged dominance of the husband in family life, the reactions of the same body was very different. One group accepted both the concept of equality and its implications for society. The second group accepted the concept in theory, but was not prepared to practise, or follow up its implications. The third group rejected the concept outright—as totally inapplicable and undesirable for Indian society.

1.39 **We believe:**

1. that equality of women is necessary, not merely on the grounds of social justice, but as a basic condition for social, economic and political development of the nation;

2. that in order to release women from their dependent and unequal status, improvement of their employment opportunities and earning power has to be given the highest priority;

3. that society owes a special responsibility to women because of their child-bearing function. Safe bearing and rearing of children is an obligation that has to be shared by the mother, the father and society;

4. that the contribution made by an active housewife to the running and management of a family should be admitted as economically and socially productive and contributing to national savings and development;

5. that marriage and motherhood should not become a disability in women's fulfilling their full and proper role in the task of national development. Therefore, it is important that society, including women themselves, must accept their responsibility in this field;

6. that disabilities and inequalities imposed on women have to be seen in the total context of a society, where large sections of the population—male and female, adults and children—suffer under the oppression of an exploitative system. It is not possible to remove these inequalities for women only. Any policy or movement for the emancipation and development of women has to form a part of a total movement for removal of inequalities and oppressive social institutions, if the benefits and privileges won by such action are to be shared by the entire women population and not be monopolised by a small minority.

7. that if our society is to move in the direction of the goals set by the Constitution, then special temporary measures will be necessary, to transform *de jure* into *de facto* equality.

CHAPTER II

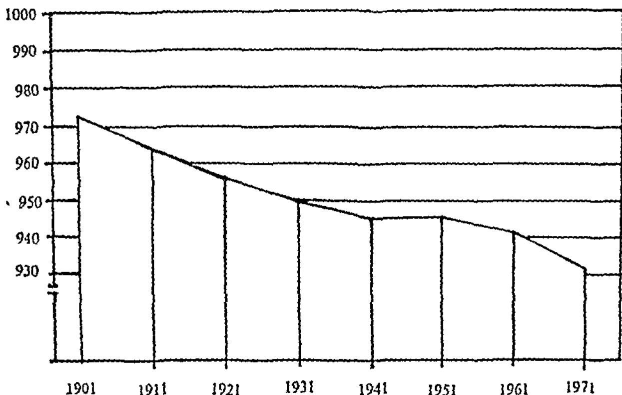
DEMOGRAPHIC PERSPECTIVE

2.01 As early as 1914, in her Preface to a book on population, Annie Besant drew pointed attention to the statistics on illiteracy, child widows and the terrible death toll of women between 15 and 30 Inviting attention of politicians to the state of affairs, she commended the book "to the thoughtful study of the young politician and to the library table of the older politician as the most valuable and handy book of reference"[1] In spite of the progress made since the book was published sixty years ago, the issues raised by Annie Besant like early marriage, the high mortality rate of women and massive illiteracy still continue. Therefore it is necessary to consider the demographic situation that affect the role of women and indicate to a certain extent their status in Indian society

Growth of Female Population 1901—1986

2.02 India is the second biggest country in the world in terms of population This is true of the female population also In 1971 the female population of India was 264 millions—much more than the total population of the USSR or the USA In 1901, the female population of India was 117 millions Thus over these seven decades (1901-71), the female population increased by 147 millions or by 126% Compared to this, the male population increased by 163 millions or by 130% This differential growth has brought about a decline in the sex ratio—the number of females per 1000 males In 1901 there were 972 females for every 1000 males in India In 1971 the ratio declined to 930 females per 1000 males

Decline in Sex Ratio of Indian Population from 1901—1971



Source "Nutrition, Fertility and Reproduction", C Gopalan, National Institute of Nutrition, Hyderabad p 14 Table II

1 M Subaraya Kamath *Census of India—An Analysis and Criticism* Theosophical Publishing House Madras, 1914 (Foreward by Annie Beasant)

TABLE 1 :

Growth of female population in India 1901—71 (in millions)

Year	*Total population*	*Male population*	*Female population*	*Females per 1000 males*
1901	238	121	117	972
1911	252	128	124	964
1921	251	128	123	955
1931	279	143	136	950
1941	319	164	155	945
1951	361	186	175	946
1961	439	226	213	941
1971	548	284	264	930

Unlike the USSR, USA, most western countries and Japan, in India the male population exceeds the female population. The male population has always grown at faster rate than the female population ever since 1901 except during 1941-51. In this decade it was affected by the partition of India, and both the male and female population grew more or less at the same rate.

2.03 During 1911-21 there was an actual decrease in the population of India. But the overall figure for India conceals the fact that during this decade there was a negligible increase in the male population and a decrease in the female population. The main reason for the decrease in population of India during this decade was the heavy toll taken by the influenza epidemic of 1918. In this decade, mortality was specially high among the adults and particularly among adult females, the disease being generally fatal to women in pregnancy. The report on the 1921 Census pointed out that "the high mortality among women may have been due to the fact that in addition to the ordinary tasks of the house on them, fall the duty of nursing the others even when themselves ill. The figures show that the excess mortality between ages 20 and 40 amounted in some cases to nearly four times the mean."[2] The last decade (1961-71) recorded the highest ever growth rates for both males and females.

TABLE 2 :

Decennial growth rates of population by sex, India, 1901-71

Year	*Total*	*Male*	*Female*
1901-11	5.73	6.28	5.40
1911-21	0.30	0.13	0.75
1921-31	11.00	11.18	10.59
1931-41	14.23	14.52	13.92
1941-51	13.31	13.34	13.49
1951-61	21.64	21.97	21.29
1961-71	24.80	25.52	24.03

2.04 According to official estimates, the total population of India in 1974 (as on 1 March) was 581 millions—301 million males and 280 million females. The projections upto 1986 are as follows:

TABLE 3 :

Population projections upto 1986 (in millions)

Year	*Total*	*Males*	*Females*
1979	636.8	329.5	307.3
1984	685.8	354.1	331.7
1986	705.2	363.9	341.3

2. Extracts from All India Report 1921, reproduced in *Census of India* 1951, Volume I, Part I-B, p. 289.

2 05 This implies that in the next 12 years the total population of India is expected to increase by 124 millions or by 21 3% The male population is estimated to increase by 63

century

The Declining Sex Ratio

2 06 The decline in the sex ratio ever since 1901 is a disturbing phenomenon in the context of the status of women Demographers put f- this, like (a) higher under enumeration of females in the ality rate of females, (c) the marked preference for sons infants, (d) the lower status of women and the general neglect of women at all ages, (e) the adverse impact of frequent and excessive child-bearing on the health of women, (f) the higher incidence of certain diseases in women In the absence of adequate and reliable data, however, it is not possible to arrive at any firm conclusion on the causes of this decline

2 07 All over the world, more boys are born than girls and this is true of India also But in the developed countries, more boys die than the girls or in other words, the survival rate and the expectation of life at birth is higher among females But in India, more boys are born than girls but more girls die than boys and the expectation of life at birth is lower for females

2 08 The explanation which seems to have received general acceptance is that due to improvement of health services in the last few decades the reduction in mortality has been greater for males than females The differential improvement in health conditions must have contributed substantially to the decline in sex ratio[3] This raises the whole question of the attitudes towardes females and the role of women in Indian society which we discuss in the later chapters The fact that our statistics provide little information on this subject, only strengthens the hypothesis that the neglect of women in India is a persistent phenomenon

2 09 As early as 1871, the census report of India observed " in most parts of India aged from 9 to 15 and

neglect, functional excitement, premature cohabitation and unskilful midwifery At a later

TABLE 4

Sex ratio by age groups, India 1971 Females per 1000 males*

Age groups	*Total*	*Rural*	*Urban*
All ages	931	951	857
0-4	969	972	953
5 9	935	935	931
10-14	887	885	895
15-19	883	896	839
20-24	1,008	1,074	830
25 29	1,027	1,078	863
30-34	990	1,045	811
35-39	916	949	802
40 44	882	922	737
45-49	839	876	705
50 54	848	868	761
55 59	867	882	801
60-64	923	926	908
65 69	916	921	895
70-†	961	957	978
Age not stated	1,050	1,068	972

*Figures are provisional, Estimated from 1 per cent sample data

3 Chapter VIII Section II contains a discussion on health services and facilities available for women and their utilisation

period hard work as well as the results of the above influences and amongst some classes excessive fecundity tell on the female constitution, providing greater relative mortality......"[4]

Sex Ratio by Age Groups

2.10 There are more males than females in all groups in India except the age group 20-29 years. This is borne out by the statewise figures though the state figures are affected by internal migration.

TABLE 5 :

Sex ratio in the age group 20-29, States, 1971

State	*1000 males*
All India	1,002
Andhra Pradesh	1,063
Assam	940
Bihar	1,084
Gujarat	977
Haryana	930
Himachal Pradesh	1,074
Jammu & Kashmir	925
Kerala	1,057
Madhya Pradesh	1,013
Maharashtra	980
Manipur	973
Meghalaya	1,072
Mysore	1,014
Nagaland	782
Orissa	1,076
Punjab	884
Rajasthan	999
Tamil Nadu	1,057
Tripura	1,041
Uttar Pradesh	994
West Bengal	899

It is worth noting that even in 1891 the census reported 1071 females per 1000 males in the age group 20—24. Though the phenomenon of excess females over males in

4. Quoted in D. Natarajan, Changes in Sex Ratio, Census Centenary Monographs No. 6, Census of India—1971, New Delhi, 1971 p.37

the age group 20 24 has persisted, the sex ratio even in this group has worsened to 1008 in 1971

2 11 The rural urban differential indicated in Table 4 stands out even more clearly in the very low sex ratio of all metropolitan cities

TABLE 6

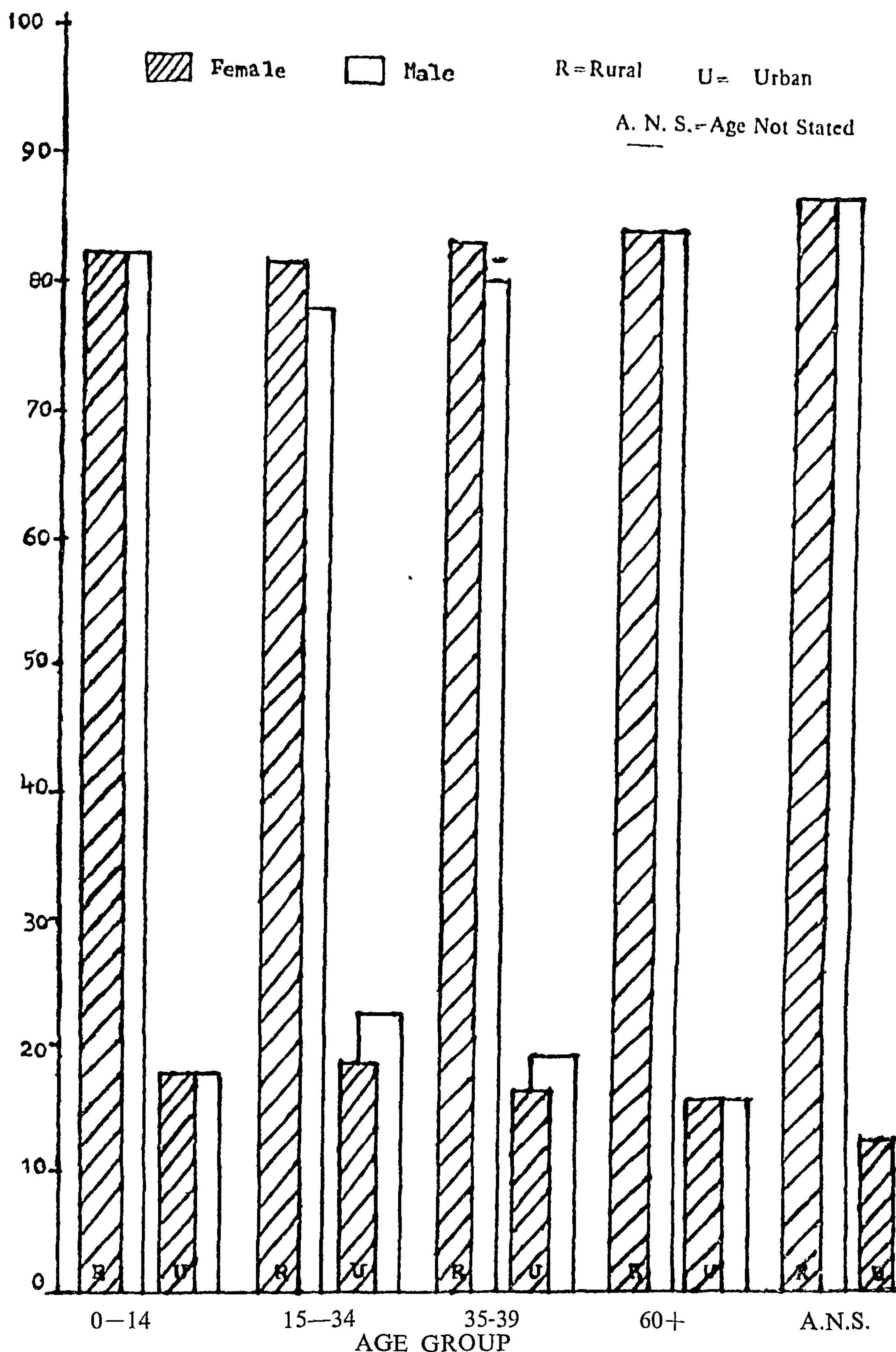
Sex ratio in cities with population of over one million India 1971

City	*Females per 1000 males Sex ratio*
Calcutta Urban Agglomeration	*698*
Calcutta (M Corp)	636
Greater Bombay (M Corp)	716
Delhi Urban Agglomeration	798
Delhi (M Corp)	806
Madras Urban Agglomeration	903
Madras (M Corp)	904
Hyderabad Urban Agglomeration	917
Hyderabad (M Corp)	928
Ahmedabad Urban Agglomeration	830
Ahmedabad (M Corp)	833
Bangalore Urban Agglomeration	874
Bangalore City Corporation and Trust Board Area (C)	877
Kanpur City Urban Agglomeration	762
Kanpur (M Corp)	769
Poona Urban Agglomeration	861
Poona (M Corp)	885

Statewise Differences

2 12 Among all the States of India Kerala is the only State where females outnumber males in all the decades commencing from 1921 In Orissa and Tamil Nadu this trend persisted till 1961 but the ratio has dropped since then to below 1000 The lowest sex ratio recorded during these five decades was in Punjab where it was only 821 in 1921 *Though it increased to 874 in 1971 it continues to be the lowest among all the States of India*

Rural-Urban Proportions, Sex-Wise in Each Broad Age Group, India, 1961.



Source: "Studies in India's Urbanization 1901-1971" Dr. Ashish Bose, P. 285.

TABLE 7

Sex ratio in States 1921-71

Females per 1000 males

State	*1921*	*1931*	*1941*	*1951*	*1961*	*1[illegible]*
Andhra Pradesh	993	987	980	986	981	9[illegible]
Assam	908	886	886	877	876	90[illegible]
Bihar	1 016	994	996	990	994	95[illegible]
Gujrat	944	945	941	952	940	93[illegible]
Jammu & Kashmir	870	865	869	873	878	882
Kerala	1,011	1,022	1,027	1,028	1,022	1 019
Madhya Pradesh	974	973	970	967	953	943
Maharashtra	950	947	949	941	936	932
Mysore	969	965	960	966	959	959
Orissa	1 086	1 067	1 053	1,022	1 001	989
Punjab	821	830	850	858	864	874
Rajasthan	896	907	906	921	908	919
Tamil Nadu	1 029	1,027	1,012	1,007	992	979
Uttar Pradesh	909	904	907	910	909	883
West Bengal	905	890	852	865	878	892

2 13 It is not always possible to relate sex ratios with factors like literacy or educational level because the evidence is sometimes conflicting Our investigation has persistently revealed the meaninglessness of national and state averages in determining the actual conditions and status of women in the country, in the context of the gross inequalities and wide variations in socio economic factors that influence women s lives The answer may lie in identifying the actual groups, by socio economic status, or regional or communal origin, which contribute the main thrust in shaping these averages For example, investigations in mortality, malnutrition etc , must examine differences of these trends in different levels of society to expose their true nature Some of the studies of the National Institute of Nutrition, Hyderabad provide pointers in this direction

2 14 For the sake of comparison, we give below sex ratio in selected countries of the world (It will be observed that in countries like USSR, U K , U S A , Japan and also in the Philippines and Indonesia, the sex ratio is over 1000 In other words there are more females than males in these countries)

TABLE 8

Sex ratio in selected countries

Country	*(Females per 1000 males)* *Sex ratio*
U S A (1970)	1054
Argentina (1970)	1014
Brazil (1970)	1011
China (1953)	930
Indonesia (1971)	1018
Iran (1966)	932
Japan (1970)	1037
Pakistan (1961)	900
[illegible]hilippines (1970)	1010
[illegible]zechoslovakia (1970)	1053
[illegible]ngary (1970)	1064
[illegible]ly (1961)	1063
[illegible]and (1970)	1058
[illegible]in (1970)	1049
[illegible]K (1971)	1060
[illegible]ralia (1971)	988
[illegible]S R (1970)	1170

Expectation of Life At Birth

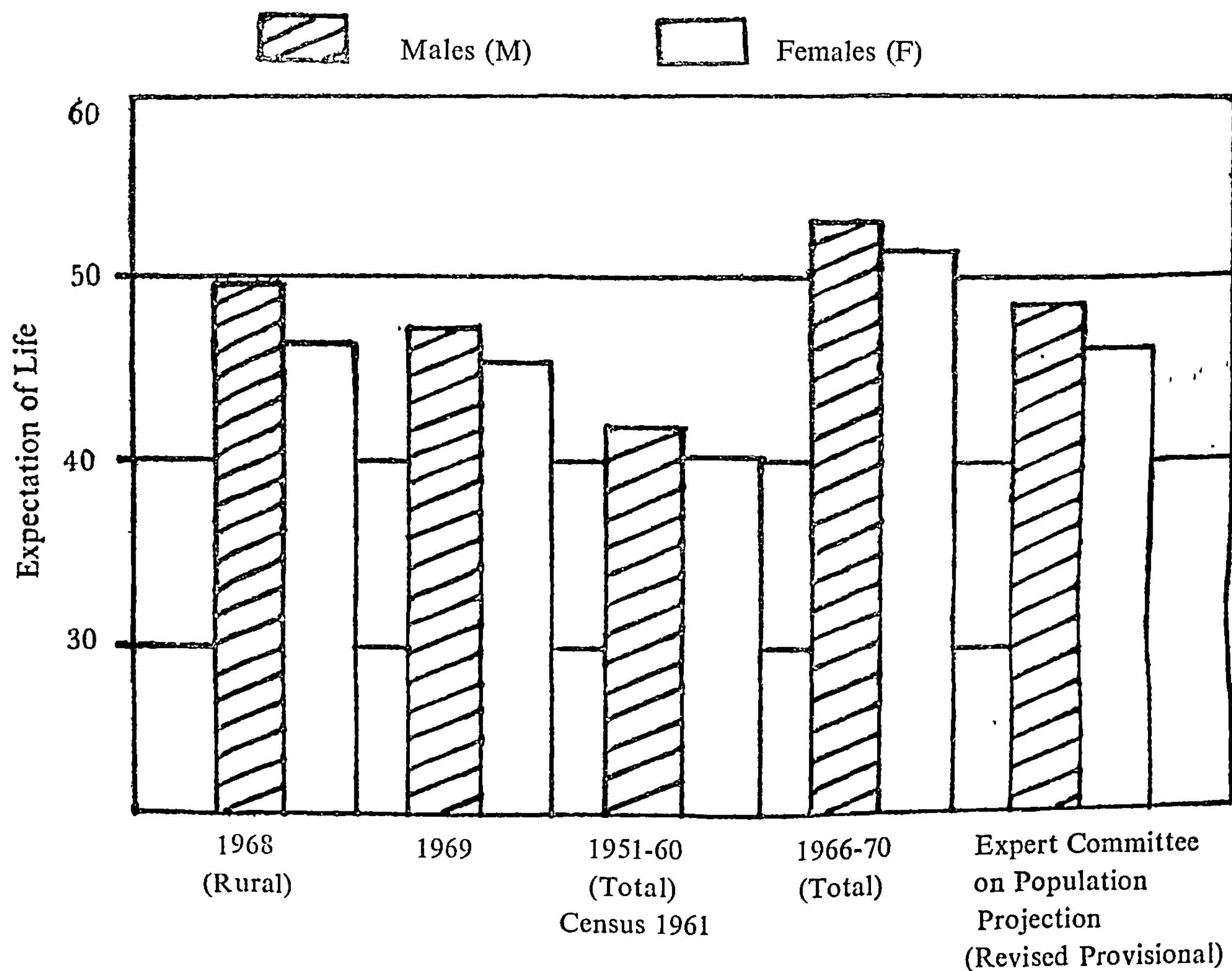
2.15 According to the actuarial estimates in the 1961–71 decade, the expectation of life was 47.1 years for males and 45.6 years for females.

TABLE 9 :

Expectation of Life at Birth 1921–71

Decade	*Male*	*Female*
1921–31	26.9	26.6
1931–41	32.1	31.4
1941–51	32.4	31.7
1951–61	41.9	40.6
1961–71	47.1	45.6

Expectation of life at birth, Rural 1968 and 1969.



Source: Measures of Fertility and Mortality in India. Vital Staticstic Division. Office of the Registrar General S.R.S. Analytical Series No. 2. 1972. p. 23.

on of life r The gap between the male and female expectation of life has actually been incr in the last five decades This again is a distressing phenomenon When we consid expectation of life at different ages for the period 1951 61 (for which published figure available) we find that at all ages below 40 the expectation of life is lower for females

TABLE 10

Expectation of life at different ages for males and females, India 1951 60

Age	*Males*	*Females*
At birth	41 89	40 55
1	48 42	46 02
2	48 92	46 75
3	49 11	47 12
4	49 03	47 19
5	48 72	47 01
10	45 21	43 78
15	40 99	39 61
20	36 99	35 63
25	32 98	31 60
30	29 03	27 86
35	25 33	24 89
40	22 07	22 37
45	19 15	19 91
50	16 45	17 46
60	11 77	12 98
70	8 07	9 28

Mortality Pattern

' 16 It is generally held that the figures for the registered birth rates and death rates are ot too reliable The figures yielded by the Sample Registration System (SRS) introduced cently by the Registrar General are much more reliable On the subject of differential fant mortality rates the evidence is rather conflicting According to SRS data for rural eas of 12 States of India as a whole the infant mortality rate for females was 148 per 1000 e births compared to 132 for males The neo natal mortality rate according to SRS data 1969 was 74 per 1000 for males and 76 for females while post neo-natal mortality rate s 59 for males and 72 for females

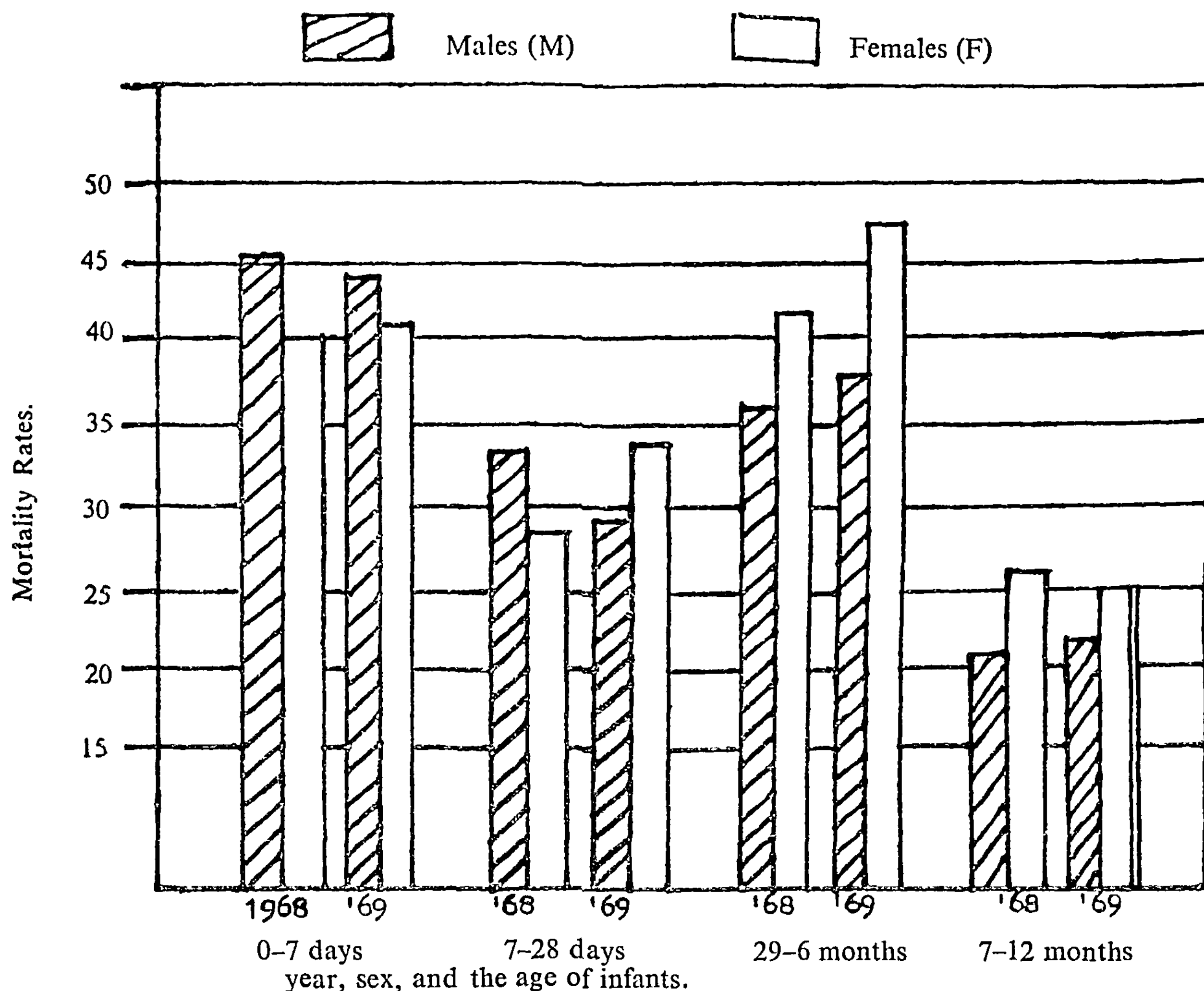
' In some States the male mortality rates were higher than the females In the rural s of Uttar Pradesh the female infant mortality rate was very much higher but not so in n areas In Punjab it was higher both in rural and urban areas While the evidence from data is occasionally conflicting when one considers individual States it is a safe alisation that the infant mortality rate is higher among females in the rural areas of as a whole

TABLE 11 :

Infant mortality rates for selected States (SRS) 1969

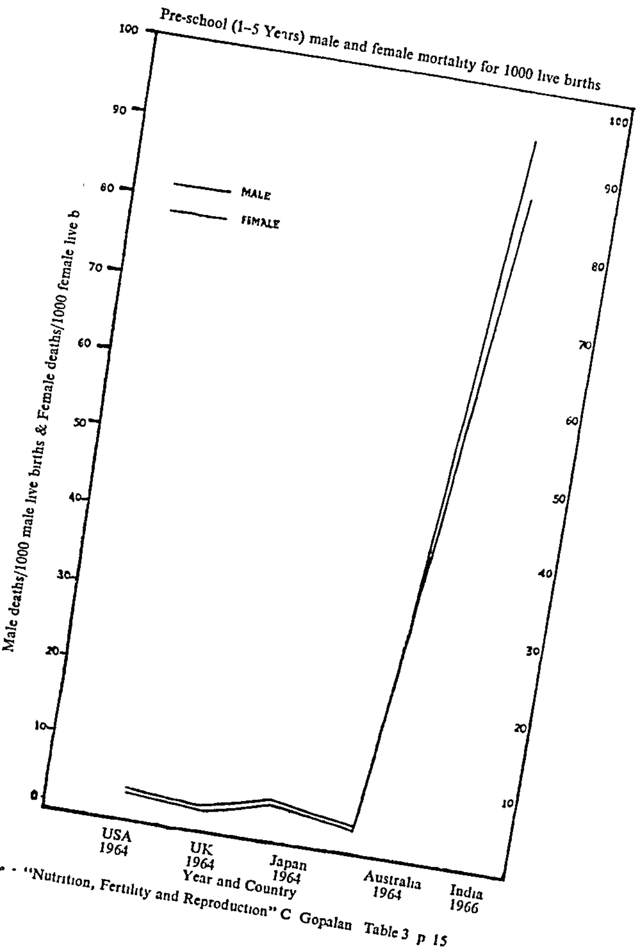
State	Rural Males	Rural Females	Urban Males	Urban Females
Andhra Pradesh	131.7	126.0	—	—
Assam	154.2	104.4	110.7	92.4
Gujarat	153.2	177.8	—	—
Haryana	82.9	76.1	—	—
Jammu & Kashmir	106.3	98.9	79.1	40.5
Kerala	64.8	48.5	—	—
Maharashtra	101.0	113.4	—	—
Mysore	114.5	104.4	60.1	54.4
Punjab	80.9	115.9	70.3	86.7
Rajasthan	167.6	170.2	97.0	84.2
Tamil Nadu	115.0	109.8	—	—
Uttar Pradesh	153.9	205.9	119.0	99.7
Estimates for all the 12 States	132.3	148.1	—	—

Infant mortality and its components by sex, rural, 1968 and 1969



year, sex, and the age of infants.

Source: Measures of fertility and Mortality in India. Vital Statistics Division, Office of the Registrar General, SRS Analytical Series 2. 1979 p. 19



* "Nutrition, Fertility and Reproduction" C Gopalan Table 3 p 15

Age Specific Mortality

2.18 Table 12 indicates that for the age group 5—14 as a whole, the female death rate is 5.3 per thousand compared to 4.5 for males. In the youngest age group 0—4, while the male death rate is 58 per thousand, the female death rate is 70 per thousand; whereas in the oldest age group 70 and above, the male death rate is 123 per thousand, and the female death rate 119.5 per thousand. In the five yearly age groups from 0—4 to 30—34, the female death rates are higher than male. except in the age group 10—14, while in the age groups 35—39 and above the male death rates are higher than female. The overall position, however, is that in rural India in 1969 there were 18 deaths per thousand for males and 20 deaths per thousand for females.

TABLE 12 :
Age-specific death rates, rural India, 1969

Age-group	*Males*	*Females*
0- 4	58.3	70.2
5- 9	5.8	7.4
10-14	3 0	2.7
5-14	4.5	5.3
15-19	2.1	4.2
20-24	3.9	5.5
25-29	3.7	5.5
30-34	4.1	6.4
35-39	6.5	6.1
40-44	8.5	7.6
45-49	13.2	9.4
15-49	5.3	6.1
50-54	18 7	16.2
55-59	28.3	20.2
60-64	44.0	38.7
65-69	59.9	52.2
70+	123.0	119.5
Total	18.2	20.1

+ Age—specific death rate : Number of deaths in a year in any specified age group per 1,000 persons in that age-group.

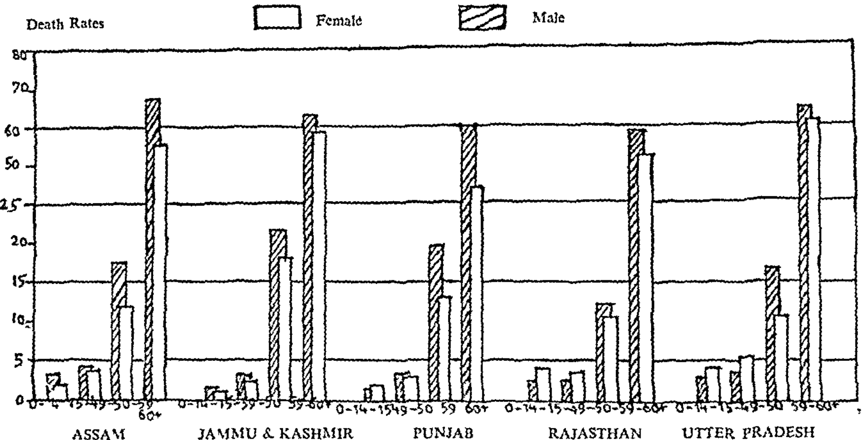
Age Distribution

2.19 The youthfulness of India's population is brought out by the fact that 42% of the population is below 15 while nearly 59% of the population is below 25. Persons over 60 account for only 6% of the population. The proportion of female population below 15 is a little higher than that of males. The same is true of the proportion of females below 25 and above 60.

TABLE 13 :
Age composition of population, India, 1971

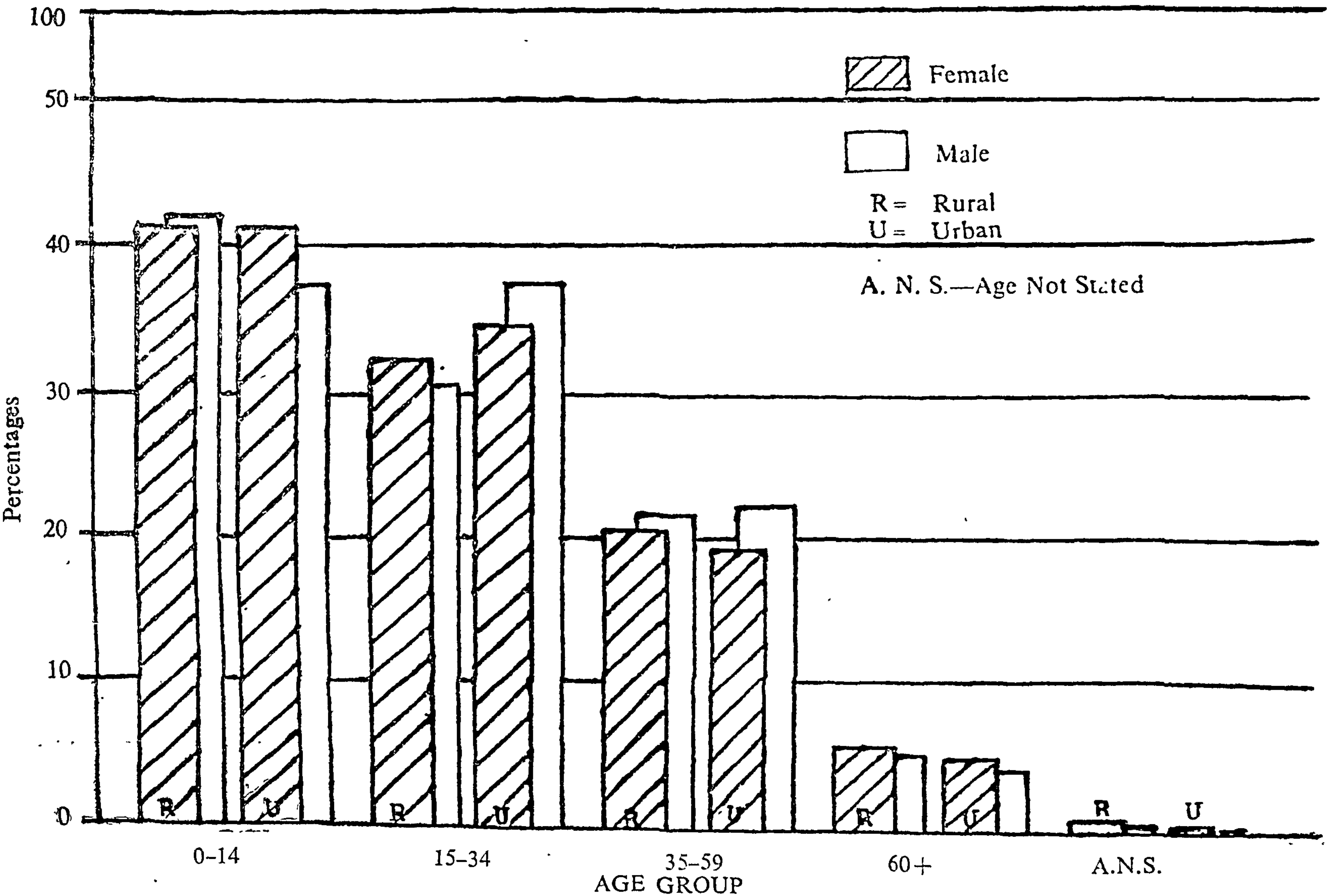
	(*percentages*)		
Age-groups	*Males*	*Females*	*Total*
0-14	41.9	42.2	42.0
15-19	8.9	8.4	8.7
20-24	7.6	8.2	7.9
25-29	7.2	7.8	7.4
30-39	12.5	12.6	12.6
40-49	9.7	9.0	9.3
50-59	6.3	5.8	6.1
60+	5.9	6.0	6.0
Total	100.0	100.0	100.0

AGE SPECIFIC DEATH RATE, SEX-WISE, URBAN, 1969



Source Measures of Fertility and Mortality in India Vital Statistics Division, Office of the Registerar General S R S AnalyticalSeries No 2– 1972 P 76

AGE STRUCTURE, SEXWISE, RURAL & URBAN, INDIA, 1961



Source: "Studies in Indias' Urbanization 1901-1971" Dr. Ashish Bosh, p. 283

Age At Marriage

2 20 The 1971 Census asked a direct question on age at marriage of all currently married women for the first time in the history of census operations in India The relevant data is not yet available Estimates on the average age at marriage, however, have been made on the basis of census data on marital status distribution and age distribution According to these estimates, the average age at marriage for males has increased from 20 2 during 1901 11 to 22 2 during 1961 71 In the case of females, the comparable figures are 13 2 and 17 2 In other words, during these seven decades the average age at marrige has gone up by two years in the case of males and by four years in the case of females

TABLE 14

Mean age at marriage, India 1901-1971

Decade	*Males*	*Females*
1901–11	20 2	13 2
1911–21	20 5	13 6
1921–31	18 4	12 6
1931–41	20 2	15 0
1941–51	19 8	15 4
1951 61	21 4	16 1
1961–71	22 2	17 2

TABLE 15

*Mean age at marriage India 1961-71**

	Males	*Females*
Rural	21 6	16 7
Urban	24 3	19 2
Total	22 2	17 2

*Based on 1 per cent Sample data

2 21 In rural areas the mean age at marriage for males is higher than that of females by [illegible] gher in the urban areas, namely [illegible] though the [illegible] A detailed analysis of the estimates of the mean age at [illegible] based on marital status data in the [illegible] that in more than one third of the total number of districts in India [illegible] the average age at marriage of females was below 15 Most of these districts are [illegible] of Madhya Pradesh, Bihar, Rajasthan, and Uttar Pradesh

TABLE 16

Number of districts in each state where the average age at marriage of females was below 15 years in [illegible]

State	*Total No of districts*	[illegible]	[illegible]
Madhya Pradesh	43	[illegible]	[illegible]
Bihar	17	[illegible]	[illegible]
Rajasthan	26	[illegible]	[illegible]
Uttar Pradesh	54	[illegible]	[illegible]
Andhra Pradesh	20	[illegible]	[illegible]
West Bengal	16	[illegible]	[illegible]
Maharashtra	26	[illegible]	[illegible]
Mysore	19	[illegible]	
INDIA	315	[illegible]	

TABLE 17 :

Number of districts in each state where the average age at marriage of females was below 20 years in 1961

State	Total No. of districts	No. of districts where the average age at marriage of females was below 20 years	Per cent of total No. of districts
Andhra Pradesh	20	20	100
Bihar	17	17	100
Gujarat	17	17	100
Maharashtra	26	26	100
Madhya Pradesh	43	43	100
Mysore	19	19	100
Orissa	13	13	100
Rajasthan	26	26	100
Uttar Pradesh	54	54	100
Punjab	19	18	95
West Bengal	16	15	94
Madras	13	12	92
Jammu & Kashmir	9	8	89
Assam	11	7	64
Kerala	9	3	33
INDIA	318	303	95

Marital Status Of The Female Population

2.22 There is some indirect evidence that the age at marriage is going up judged by the proportion of unmarried at a point of time. This is revealed by comparison of the figure of the percentage distribution of female population aged 10 and above by marital status in 1961 and 1971. It will be seen that 17.2% of the female were unmarried in 1961 compared to 22.0% in 1971. This resulted in a decrease in the percentage of married women. The relevant figures are 66.5% in 1961 and 64.9% in 1971. A general improvement in the expectation of life and a greater incidence of widow re-marriages might have resulted in a decrease in the proportion of widowhood. The percentage of widows decreased from 15.5% in 1961 to 12.5% in 1971. The census figures indicate a trend towards a decrease in the incidence of divorce and separation from 1961 to 1971. Apart from their insignificance compared to the total female population these figures may not be very reliable. Social attitude in our view to divorce or separation is such that women in particular would not always be prepared to admit their separated status to strangers. As figures on the number of marriages are not available, it is not possible to work out the divorce rate.

TABLE 18 :

Percentage distribution of female population aged 10 years and above by marital status, India, 1961 and 1971

Marital Status	Years	Rural	Urban	Total
Unmarried	1961	15.8	24.2	17.2
	1971	20.2	29.2	22.0
Married	1961	67.5	61.1	66.5
	1971	66.3	59.3	64.9
Widowed	1961	15.8	14.0	15.5
	1971	12.9	11.0	12.5
Divorced/ Separated	1961	0.8	0.6	0.7
	1971	0.5	0.4	0.5
Unspecified Status	1961	0.1	0.1	0.1
	1971	0.1	0.1	0.1

2 23 It is most unfortunate the 1961 and 1971 Censuses did not tabulate data by status for the age group 0—9, and assumed that no marriages take place below the age The incidence may be low but we did come across several girls below 10 who were married We hope that this lacuna will be remedied at the next census so that the inc of child marriage may be measured An indirect evidence of child marriage is furnisl the data for the age group 10—14 In 1971, in rural India 13 6% of the girls in the age 10—14 were married and 0 1% were widows while in urban India, 3 9% were marric

TABLE 19

Percentage distribution of female population by age marital status and residence India 1971

Age Group	Total Rural Urban	Never married	Married	Widowed	Divorced and separated	Unspecif
0–9	Total	100 00	—	—	—	—
	Rural	100 00	—	—	—	—
	Urban	100 00	—	—	—	—
10–14	Total	88 1	11 7	0 1	—	0 1
	Rural	86 2	13 6	0 1	—	0 1
	Urban	95 8	3 9	—	—	0 3
15–19	Total	42 9	56 3	0 3	0 4	0 1
	Rural	36 9	62 2	0 4	0 4	0 1
	Urban	63 8	35 6	0 2	0 2	0 2
20–24	Total	9 1	89 4	0 9	0 6	—
	Rural	6 2	92 1	1 0	0 7	—
	Urban	19 1	79 7	0 7	0 4	0 1
25–29	Total	1 9	95 6	1 9	0 6	—
	Rural	1 3	96 1	1 9	0 7	—
	Urban	4 5	93 5	1 5	0 5	—
30–34	Total	0 9	94 5	3 9	0 7	—
	Rural	0 6	94 6	4 1	0 7	—
	Urban	1 9	94 1	3 5	0 5	—
35–39	Total	0 6	91 7	7 0	0 7	—
	Rural	0 4	91 7	7 2	0 7	—
	Urban	1 1	92 1	6 2	0 6	—
40–44	Total	0 6	84 5	14 2	0 7	—
	Rural	0 5	84 5	14 3	0 7	—
	Urban	1 0	84 9	13 5	0 5	—
45–49	Total	0 4	78 5	20 4	0 7	—
	Rural	0 3	78 7	20 3	0 7	—
	Urban	0 9	77 7	20 9	0 7	0 1
50–54	Total	0 4	62 5	36 5	0 5	0 1
	Rural	0 4	62 8	36 3	0 5	—
	Urban	0 8	60 9	37 7	0 5	0 1
55–59	Total	0 4	58 1	41 1	0 4	—
	Rural	0 3	58 7	40 5	0 4	0 1
	Urban	0 6	55 1	43 7	0 5	0 1
60–64	Total	0 3	36 7	62 5	0 4	0 1
	Rural	0 3	37 1	62 2	0 4	—
	Urban	0 6	34 9	64 0	0 4	0 1
65–69	Total	0 4	34 7	64 5	0 3	0 1
	Rural	0 4	35 1	64 1	0 3	0 1
	Urban	0 7	32 6	66 3	0 3	0 1
70 +	Total	0 5	19 5	79 6	0 3	0 1
	Rural	0 5	19 8	79 4	0.2	0 1
	Urban	0 9	18 4	80 2	0 3	0 2
All ages	Total	45 2	45 6	8 8	0 3	0 1
	Rural	44 3	46 3	9 0	0 4	—
	Urban	48 8	42 9	8 0	0 2	0 1

the number of widows was negligible. Less than 2% of the women in the age group 25-29 and less than 1% in the age group 30-34 were unmarried in the rural areas. The figures also show that 2% of the women in the age group 25-29 and 4% of the women in the age group 30-34 were widows in the rural areas. In 1961, the comparable figures were 3% for the age group 25—29 and 6.6% for the age group 30-34. This indicates that the incidence of widowhood has come down. Nevertheless, early marriage and early widowhood still persist in rural areas though the incidence of both these is on the decline.

2.24 Table 19 indicates that in the age group 10-14, 13.6% of the girls were reported to be married in rural areas and 3.2% in the urban areas Obvicusly, this is in contravention of the Child Marriage Restraint Act under which the minimum legal age at marriage for females is 15. The group 25-29 reveals the highest percentage of married females in rural areas, namely, 96.1% whereas in the case of urban areas, it is the next age group i. e. 30-34 which records and the highest percantage of married females, namely 94.1% The incidence of widowhood increased sharply from age 60 onwards. In the age group 60-64, 62.5% of the females are widowed while in the age group 65-69, 64.5% are widowed. In the female population aged 70 and over, almost 80 per cent of the female population is widowed.

Fertility Pattern

2.25. For long-term trends in fertility, we have to rely on actuarial estimates based on census data. Table 20 indicates that there has been a substantial fall in the death rate in the last seven decades but this is not true of the birth rate:

TABLE 20:

Birth ond death rate since 1901-1971

Decade	*Rate by reversal survival method*		*By quasi-stable method*	
	Birth rate	*Death rate*	*Birth rate*	*Death rate*
1901–11	49.2	42.6	52.4	46.8
1911–21	48.1	47.2	N.A.	N.A.
1921–31	46.4	36.3	50.8	40.4
1931–41	45.2	31.2	46.2	33.5
1941–51	39.9	27.4	43.1	30.0
1951–61	40.9	22.0	40.4	20.9
1961–71*	41.1	18.9	40.0	17.8

N.A. stands for not available

*Provisional. Estimated from 1 per cent sample data. The figures are based on improved methodology and are not strictly comparable with the earlier figures. If no adjustment is made for undere-numeration of certain young age-groups as in the case of the earlier figures, the comparable figures of birth and death rates for the decade 1961-71 would be 39.2 and 17.0 respectively.

2.26 Of late, the Sample Registration Scheme has improved the situation in regard in to data on births and deaths. The yearly figures are given below:

TABLE 21:

Birth rates in India according to SRS data, 1969-72

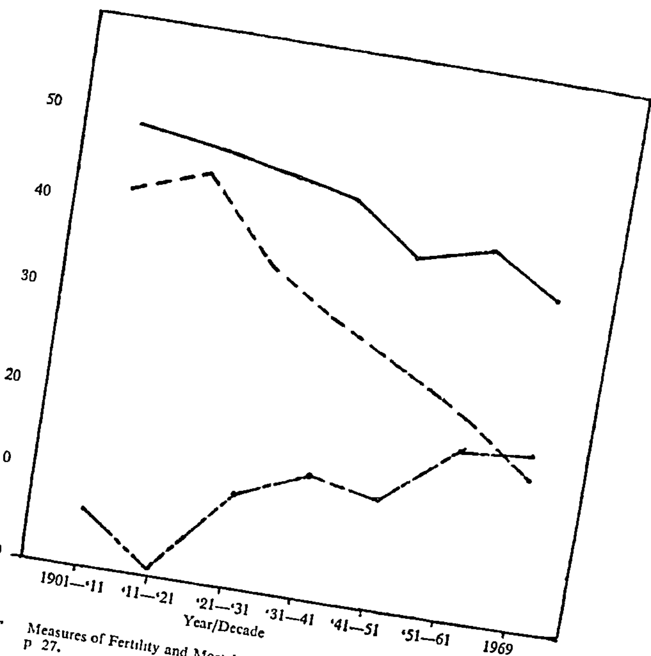
Year	*Rural*	*Urban*	*Total*
1969	38.8	32.6	37.6
1970	38.9	29.7	36.8
1971	38.9	30.1	36.9
1972	38.4	30.5	36.6

Birth rate and Death rate in India, 1901-69

———— Birth Rate

– – – Death Rate

———— Growth Rate



Measures of Fertility and Mortality in India S R S Analytical Series No 2 1972 p 27.

e SRS data does indicate rural urban differentials in the birth rate Some of it
ue to the impact of family planning, especially in the urban areas

TABLE 22:

Birth rates in States according to SRS data, 1972.

State	Rural	Urban	State	Rural	Urban
Andhra Pradesh	35.7	36.7	Maharashtra	33.5	29 4
Assam*	37.3	27.7	Manipur	30.4	21.9
Bihar	33.6	26.7	Orissa	34.5	31.7
Gujarat	41.8	35.8	Punjab	35.8	30.1
Haryana	42.2	32.4	Rajasthan	43.5	37.2
Himachal Pradesh	33.7	24.0	Tamil Nadu	35.2	25.9
Jammu & Kashmir	34.1	22.4	Tripura	34.0	23.1
Karnataka	32.8	28.0	Uttar Pradesh	44.4	34.0
Kerala	31.5	29.5	West Bengal	N.A.	26.5
Madhya Pradesh	40.4	32.8	INDIA (Pooled)	38.4	30.5

*Including Meghalaya.

2.28 According to SRS data, in rural areas of India in 1969, the average number of children born alive to mothers in the age group 40-44 was 6.4 This gives an ides of the completed family size in rural India. By the time a woman is 35, she has roughly 5 children. Table 23 gives the detailed fertility pattern.

TABLE 23:

Average number of children born alive to current mothers by age groups, Rural India, 1969.

Age group	Average number of children
15–19	1.3
20–24	2.1
25–29	3.5
30–34	4.8
35–39	5.8
40–44	6.4

2.29 Data on order of births (i.e. the sequence in which the live births have occured) reveals an interesting pattern. Of all the births which took place in rural India in 1969, according to SRS data, 20.5% belong to the first order, 18.1% to the secod order and 16.4% to the third order. That is to say, the first three births account for 55 per cent of the total births in rural India. The fertility level could be substantially brougt down, therefore, if family size was restricted to three live births.

TABLE 24

Per cent of live births by birth order, Rural India 1969

Birth order	*Per cent live births*
All orders	100 0
1st	20 5
2nd	18 1
3rd	16 4
4th	14 5
5th	11 6
6th	8 2
7th	5 3
8th	2 8
9th	1 5
10th	1 1

Family Planning

2 30 There has been some progress in the field of family planning in recent years Bu[t] the overall situation continues to be unsatisfactory In States like Punjab Haryana, Maha-rashtra and Gujarat, a higher level of performance has been achieved while in Bihar, Madhya Pradesh Rajasthan and Uttar Pradesh the success is far from impressive In India as a whole family planning is being practised by 15% of the couples in the reproductive age group

TABLE 25

Number of couples protected by family planning in India by the end of the respective year

Year	*Estimated No of couples in reproductive age group (thousand)*	*No couples currently protected No (Thousand)*	*P C*
1966 67	90	3941	4 4
1967 68	92	5868	6 4
1968 69	95	7794	8 2
1969 70	97	9459	9 8
1970 71	99	10895	11 0
1971-72*	102	13045	12 8
1972 73*	102	15364	15 0

*Provisional

TABLE 26

Percentage of couples protected by various methods of family planning, 1971 72

State	*Percentage*	*State*	*Percentage*
Andhra Pradesh	14 4	West Bengal	9 7
Assam	6 5	Meghalaya	1 1
Bihar	6 3	Nagaland	0 4
Gujarat	18 1	Manipur	3 8
Haryana	18 8	Tripura	5 4
Himachal Pradesh	8 6	A & N Islands	7 1
Jammu & Kasmir	8 2	Arunachal Pradesh (NEFA)	0 7
Kerala	18 6	Chandigarh	18 8
Madhya Pradesh	10 6	D & N Haveli	3 4
Maharashtra	19.2	Delhi	30 4
Mysore	10 0	Goa, Daman & Diu	10 4
Orissa	16 9	L M & A Inlands	3 6
Punjab	23 7	Pondicherry	19 6
Rajasthan	6 0	Central Govt Institutions	
Tamil Nadu	16 1	All India	13.2
Uttar Pradesh	6 5		

2.31 It will be seen that the proportion of protected couples varies from 0.7 per cent in Arunachal Pradesh to 23.7 per cent in Punjab. Broadly speaking, States like Uttar Pradesh, Bihar, Madhya Pradesh and Rajasthan which have very low literacy levels as well as a high proportion of rural population, have the lowst acceptance rate of family planning. Hewever, there are exceptions. For example, Orissa has a fairly good record of family planning which is close to the record of Kerala which has the highest literacy level. But surprisingly, even the almost exclusively urban territories in Delhi and Chandigarh, the acceptance rate is far from high.

Fertility, Family Planning and Education of Women[5]

2.32 A review of some of the latest studies of differential fertility carried out in different parts of India indicates that generally the level of education and fertility are inversely related. The conclusions of the studies with regard to mean fertility at different levels of education are not uniform. The National Sample Survey indicated that at each higher level of education fertility performance is lower. The number of children born alive to couples declined from 4.03 in the case of illiterate husbands to 2.96 in the case of husbands who were intermediate and above. It declined from 3.83 in the case of illiterate wives to 1.61 in the case of wives who were intermediate and above.

2.33 The attitude towards family planning which involves the attitudes of couples towards family size, need for a son, spacing, approval and usage of birth control techniques for limiting the number of children or delaying pregnancies, has been found to be closely associated with the educational attainment of couples in all the major surveys undertaken so far in India. The nation-wide survey covering entire India excepting a few places like Jammu and Kashmir by the Operations Research Group (ORG),Ministry of Health and family Planning, during July 1970 to January 1971, clearly indicated that as the educational level increases the attitude towards family planning tends to become more favourable. The survey notes that 46.5% of the illiterate wives disapproved birth control methods as against only 6.4% wives who had gone to college.

2.34 The positive association between levels of educational attainments of couples and the three aspects of family planning: knowledge, attitude and practice, stems from the increased interpersonal communication and exposure to mass media of people who are more educated than the others. The ORG study observed that only 14% of the illiterate, married women in the reproductive age group had inter-spouse communication with regard to the planning of the family, whilst 68.6% women who had gone to college in the same age-group had inter-spouse communication.

2.35 In spite of the differences of the size and characteristics of the samples used in different surveys and different levels of education used by them as the basis of analysis, the paramount role of education as a factor influencing all the spheres of family planning, emerges clearly.[6]

Literacy and Education

2.36 One of the dismal features revealed by the 1971 Census is the extremely low literacy rate. It was 18.7% for females, 39.5% for males and 29.5% for the total population. The highest literacy rate for females, 37.4% was in the age group 10—14, while the highest literacy rate for males, 63% was in the age group 15—19. This shows the higher incidence of literacy in the younger generation. However a sensitive index of literacy is the female literacy in rural areas. The rural female literacy rate in India is only 13.2% while the urban female literacy rate is 42.3%. Kerala has the highest literacy rate both in rural and urban areas while Rajasthan has the lowest literacy rate both in urban and rural areas. The position is equally appalling in Bihar, Madhya Pradesh and Uttar Pradesh. A detailed analysis based on the district data reveals that out of the 352 districts in India, in 83 districts the female literacy rate in the rural area is less than 5% and there are another 113 districts where the female literacy rate is between 5 and 10%. Of the 83 districts belonging to the first category, 64 belong to the States of Uttar Pradesh, Rajasthan, Bihar and Madhya Pradesh. Of the 113 districts belonging to the later category, Uttar Pradesh, Bihar, Madhya Pradesh and Andhra Pradesh account for 73 districts.[7]

---

5. This selection is based on a paper prepared by Atreyi Chatterjee and Jatinder Bhatia on "Fertility. Family planning and Education of Women in India" 1974 (mimeo.).
6. This is discused further in Chapter VIII
7. O.P. Sharma Regional Nov. 1971.

TABLE 27 *Literacy rates by age groups India 1971*

Age groups	*Males*	*Females*	*Total*
5 9	26 7	18 5	22 8
10 14	60 3	37 4	49 7
15 19	63 0	36 9	50 8
20 24	59 8	27 9	43 8
25 34	49 3	18 8	33 9
34+	37 0	10 4	24 5
Total	39 5	18 7	29 5

TABLE 28 *Female literacy rates in rural and urban areas 1971*

States	*Rural*	*Urban*	*Total*
All India	13 2	42 3	18 7
Andhra Pradesh	10 9	36 3	15 8
Assam	16 5	50 9	19 3
Bihar	6 4	31 9	8 7
Gujarat	17 2	44 8	24 8
Haryana	9 2	41 5	14 9
Himachal Pradesh	18 2	52 2	20 2
Jammu & Kashmir	5 0	28 4	9 3
Kerala	53 1	60 6	54 3
Madhya Pradesh	6 1	37 0	10 9
Maharashtra	17 8	47 3	26 4
Manipur	16 4	40 4	19 5
Meghalaya	18 9	59 7	24 6
Karnataka	14 5	41 6	21 0
Nagaland	16 4	49 5	18 7
Orissa	12 1	36 1	13 9
Punjab	19 9	45 4	25 9
Rajasthan	4 0	29 7	8 5
Tamil Nadu	19 0	45 4	26 9
Tripura	17 3	55 0	21 2
Uttar Pradesh	7 0	34 4	10 7
West Bengal	15 0	47 8	22.4

7 Among the total female literates 40% have no educational level (they are really
mi literates), 7 8% are matriculates while only 1 4 per cent are graduates and above The
at majority of Indian women are illiterate or semi literate and only an insignificant
tion of is educated* The image of the Indian woman created by a few women holding
positions or academic qualifications is only that of a small elite group and does not, in
way, reflect the actual position

TABLE 29 *Distribution of literates by educational level 1971*

Educational level	*Total*	*Males*	*Females*
Total literates	100 0	100 0	100 0
Literates without educational levels	36 9	35 4	40 3
Literates with educational levels	63 1	64 6	59 7
Primary	31 5	30 5	34 2
Middle	18 0	18 8	16 0
fatriculation or higher secondary	11 0	12 3	7 8
lon tech diploma or certificate not qual to degree	0 1	0 1	0 1
chnical diploma or certificate not ual to degree	0 3	0 3	0 2
aduates and above	2 2	2 6	1 4

discussed in detail in Chapter VI

Women At Work

2.38 According to the 1971 Census, there were 31 million women workers in India, out of which 28 millions were in rural areas and 3 millions in urban areas. In rural areas, the great majority of women workers, namely, 87% were engaged in agriculture and less than 2% were engaged in manufacturing industries other than household industries. In the urban areas, the service sector claimed the largest percentage of women workers, namely 38%, followed by agricultural labour 17.5%, while manufacturing industries other than household industries accounted for about 13% of the female workforce.

2.39 In rural areas 13% of the women were in the workforce while in urban areas the comparable figure was less than 7%. Unlike western countries, even in the biggest cities, the participation rate for women does not exceed 9%. In western countries the service sector is generally "manned" by women. Of late, in several Asian cities, women are being increasingly employed in the service sector but women continue to play a minor role in the urban workforce in India. The norms of social status of women and notions of social respectability condition the employment of women, especially married women in non-household industries and the service sector. Conservative families have little hesitation in allowing women to work as teachers and doctors but would hesitate to see women working as shop assistants and office girls. However, there is some evidence that under the impact of economic necessity and the gradual process of modernization, the attitude towards such work is less rigid now, at least in the urban areas. But it is difficult to say if the attitudes are changing in the rural areas.

2.40 More than 89 per cent of the women workers are illiterate. According to the census, the non-workers were divided into a number of categories. In the case of women, household duty was recorded as the main activity of 51% of the total number of non-working women. In the age group 15—59 household duty was recorded as the main activity of 73.5% of the women in that age group. In the rural areas 73% of the women in the age group 15—59 reported household duties as their main activity while in the urban areas comparable figure

TABLE 30 :

Distribution of women workers into nine industrial categoires, 1971.

(figures in thousands)

Industrial categories	*Rural* Totol	*Rural* %of total	*Urban* Total	*Urban* %of total	*Total* Total	*Total* % of total
I Cultivators	9,127	32.6	139	4.2	9,266	29.6
II Agricultural labourers	15,211	54.4	584	17.5	15,795	50.4
III Livestock, forestry, fishing, hunting, and plantations, orchards and allied activities	715	2.6	68	2.0	783	2.5
IV Mining and quarrying	91	0.3	33	1.0	124	0.4
V Manufacturing, processing, servicing and repairs						
a. Household industry	999	3.6	332	10.0	1,331	4.3
b. Other than household industry	436	1.6	429	12.9	865	2.8
VI Construction	107	0.4	96	2.9	203	0.6
VII Trade and commerce	282	1.0	274	8.2	556	1.8
VIII Transport, storage and communication	39	0.1	1.7	3.2	146	0.5
IX Other services	959	3.4	1,270	38.1	2,229	7.1
Total workers	27,966	100.0	3,332	100.0	31,298	100.0

was 75% Thus the incidence of household duties as the main activity was a little higher in the urban areas compared to the rural areas

2 41 Table 30 indicates the distribution of women workers in nine industrial categories It will be seen that only 2 8% of the women wc [illegible] [illegible] engage [illegible] aking [illegible] work [illegible] population

2 42 It may be noted that even in the biggest citites of India, namely, Cities with population of over one million, the female participation rates are very low For example, in Greater Bombay, only 8 4 per cent of the female population is in the working force

TABLE 31

Female working force participation rates in cities wit[illegible]

Million plus cities	*No of female workers*	*participation rates*
Hyderabad	70,771	8 2
Ahmedabad	35 819	5 0
Greater Bombay	208,676	8 4
Bangalore	63 197	8 2
Madras	78,429	6 7
Kanpur	20 435	3 7
Calcutta	137,024	4 7
Delhi	82,657	5 1

2 43 Table 32 shows the distribution of non working females by type of activity 51% reported household duties as their main activity. This table does not take into account the age groups Table 33 gives the age group composition and distribution by area of women reporting household duties as their main activity It is clear from these tables that 99% of non working women are in a state of dependence

TABLE 32 *Non working women classified by main activity 1971*

(figures in thousands)

Main activity	*No of females*	*%of total*
Full time students	20,664	8 9
Household duties	118 404	51 0
Dependents and infants	91,722	39 5
Retired, rentiers and persons of independent means	477	0 2
Beggars, vagrants etc	275	0 1
Inmates of penal, mental and charitable institutions	37	N
Others	526	0 2
Total	232,075	100 0

N Negligible

TABLE 33 *Percentage of women repocting household duties as main activity India 1971*

Age group	*Rural*	*Urban*	*Total*
15-19	66 8	49 0	62 8
20-24	76 5	78 6	77 0
25-29	76 8	84 8	78 5
30 39	75 6	84 5	77 2
40-49	73 1	80 8	74 5
50-59	66 9	69 8	67 4
Total (15 59)	73 1	75 0	73 5

Migrant Women

2.44 The dependant status of women is further emphasised if we consider their proportion in internal migration. According to one demographer, "mobility in India is quite considerable, about one-third of the total population was enumerated outside their place of birth"[7]. A significant aspect of this mobility is the preponderance of women over men migrants, revealed by the last two censuses. The rural to rural migration stress, which accounted for more than 70% of the total migration, was dominated by women, who constituted nearly 80% of the total. Tables 34 and 35 indicate the relative position of men and women, according to type and distance of migration.

TABLE 34 :
Migration Streams, 1971

Migration type	*Total*	*Males*	*Females*	*Females per 1000 males*
Rural to rural	70.8	52.7	78.6	3447
Urban to rural	5.5	7.6	4.6	1398
Rural to urban	13.9	23.4	9.8	963
Urban to urban	9.8	16.3	7.0	990
Total	100.0	100.0	100.0	2310

TABLE 35 :
Distance and migration, 1971

Migration type	*Total*	*Males*	*Females*	*Females per 1000 males*
Short distance	67.4	54.9	72.8	3063
Medium distance	21.5	26.6	19.4	1682
Long distance	11.1	18.5	7.8	980
Total	100.0	100.0	100.0	2310

2.45 The fact that migrant women are more than double the number of men migrants has been explained as "mariage migration" and "associational migration" (accompanying their migrant husbands)[8]. The compulsion of marriage generally involves uprooting of the woman from her natal home, a compulsion seldom shared by the man. The figures, however, indicate that most of the female migration is confined within the rural areas, and to short and medium distances. Women outnumber men heavily in short and meduim distance migration, but are considerably behind in long distance moves.

2.46 Apart from the dependence resulting from marriage we may draw certain other inferences from this data. A substantial number of women, even when they have to move with their husbands, need employment to support themselves and their families. The migration data indicates that for the majority of rural women, the urban environment is hostile from the point of view of economic opportunities. This is substantiated by the low proportion of migrant women workers in large cities.

TABLE 36 :
Per cent of female migrant workers to total female migrants in million-plus cities, 1961

Cities	*Per cent*
Greater Bombay	10.9
Calcutta	9.7
Delhi	5.7
Madras	8.5
Ahmedabad	7.0
Hyderabad	16.8
Bangalore	13.4
Kanpur	4.2

7. Bose, Ashish—Studies in India's Urbanization, 1901-1971, 1973, P. 142.
8. *I bid*

2 47 A third factor that may have a bearing on female migration, particularly short distance ones, is the severe under employment of women agricultural labourers While they are deeply rooted in village life, and do not welcome moving out of the familiar boundaries, the low level of employment available to women agricultural labourers[9], *drives them to seek short* term, casual employment in nearby areas, during the non agricultural seasons Many seek work in construction–road building, stone breaking, major irrigation or flood control projects etc

2 48 A fourth factor that calls for considerable investigation is the impact of broken marriages, widow hood, desertion and abandonment of women on migration as well as its obverse *We were informed in many places, that the number of such deserted women is increasing* The case of migrant labour was specially mentioned to us as conducive to such desertion Generally it is the man who moves away, leaving the woman with the family to support If the woman is still young then the options open to her are–(a) to return to her natal family which is becoming increasingly difficult with the break down of the joint family and the rising costs of living, (b) to continue on her own, risking starvation and other social dangers, for herself and her children, or (c) to link up her life with some other man

2 49 The second alternative is possible only if employment opportunities are available and the woman s employability is adequate to support the whole family Since both these situations are absent in most cases, a number of such women have to take recourse to the other methods and most of them involve migration

2 50 [illegible]

2 51 The main inference that has to be drawn fr[illegible] migration is the greater degree of helplessness and [illegible] in this country The data now available is only s[illegible] investigation than has been attempted so far Our inferences in this regard are supported by *the relatively high proportion of widowed divorced or separated* women, and *low proportion* of women workers and persons of independent means (Table 37)

2 52 We conclude by giving a summary picture of the male female disparities measured as number of females per thousand males in regard to a number of demographic characteristics The figures speak for themselves

TABLE 37

Male female disparity in regard to selected demographic characteristics India 1971

S NO	Particulars	Females per 1000 males
1	Total population	[illegible]
2	Rural	[illegible]
	Urban	[illegible]
3	Religious community	
	Hindus	[illegible]
	Muslims	[illegible]
	Christians	[illegible]
	Sikhs	[illegible]
	Buddhists	[illegible]
	Jains	[illegible]
4	Literate and educated	[illegible]
	Illiterate	[illegible]
5	Age group	
	0–4	[illegible]
	5–9	[illegible]
	10–14	[illegible]
	15–19	[illegible]
	20–24	[illegible]
	25–29	[illegible]

9 Discussed in detail in [illegible]

(Continued)

	30-34	990
	35-39	916
	40-44	882
	45-49	839
	50-54	847
	55-59	867
	60-64	923
	55-69	916
	70 +	960
6.	Educational Level	
	Middle	371
	Matriculation or Higher Secondary	277
	Non-technical diploma & certificate technical	327
	Diploma or certificate	335
	Graduate and above	246
7.	Marital status	
	Total population	931
	Never married	762
	Married	1024
	Widowed	2772
	Divorced or separated	1630
	Unspecified status	328
8.	Workers	
	Total	210
	Cultivators	135
	Agricultural labourers	498
	Livestock, forestry, fishing, hunting and plantations, orchards, and allied activity	232
	Mining and quarrying	155
	Manufacturing, processing, servicing and repairs	
	(a) Household industry	265
	(b) Other than household industry	88
	Construction	101
	Trade and commerce	59
	Transport, storage and communication	34
	Other services	165
	Non-Workers	1726
9.	Non-workers according to main activity	
	Full-time students	480
	Household duties	6745
	Dependents and infants	1084
	Retired, rentiers and persons of independent means	356
	Beggars, vagrants etc.	587
	Inmates of penal, mental and charitable Institutions	254
	Others	190

CHAPTER III

THE SOCIO CULTURAL SETTING OF WOMEN'S STATUS

3 01 Any attempt to assess the status of women in a society should ideally start from t social framework Social structure, cultural norms, and value systems are important determ nents of women's roles and their position in society They influence social expectations rega ding behaviour of the two sexes, both as individuals and in relation to each other Soci traditions are a major influence in shaping attitudes as well as behaviour patterns of huma groups emerging trends of society cannot be viewed in isolation from them

3 02 The response of the structural forms to forces of change in other sectors of life is not easy to predict Social structure can stimulate certain trends of change, but at the same time it can also prove to be an impediment in their path Changes in the normative structure and in the organisational forms of society do not take place in unison, the difference in their pace often creates a hiatus Thus we find that reforms in law and educational policy do not always make the desired impact because of the normative and structural unpreparedness of the society to accept their goals and means In respect of the status that is accorded to women by law and by the Constitution we notice that there is a gap between the theoretical possibilities and their actual realisation. Religion, family and kinship, roles, and cultural norms delimiting the spheres of women's activities obstruct their full and equal participation in the life of the society and the achievement of their full potential The new roles and responsibilities–and status–visualized for Indian woman will thus have to relate to the living realities of the social and cultural contexts of their present position

3 03 In this chapter, therefore, our main endeavour will be

(i) to analyse the institutional complexes and basic conceptions which would be helpful in explaining the present position of women belonging to various categories, groups, and strata operating in various spheres,

(ii) to examine some of the myths about the natural capacities and disabilities of women and, in consequence, about the roles suited to them, and

(iii) to discuss some features of our social order which reflect and effect the status of women This would include dowry and other marriage expenses, prostitution, female suicide, [destitution in female population These are essentailly social phenomena which are directly related to the position of women in our society and hence constitute our important concerns We propose to examine them in their social and cultural contexts and suggest and lines of action wherever possible

04 In many ways the necessity of changes in role relationships and in the treatment of omen in various subsystems indicates a positive need for attitudinal changes Hence, it is cessary to think of ways and means to bring about these changes in values and attitudes and rceptions of the people

5 It is obvious that for an adequate description of the social and cultural scene and for assessment of their social status, women of India cannot be treated as an homogeneous up Broadly speaking, in our highly complex and extremely diversified society, women fferent religious groups, caste levels, economic strata, and those belonging to tribal, rural urban areas merit separate consideration Differences in customs and norms and in condi- of their operation across groups and categories make it imperative for us to adopt this ach[1]

In our effort to grasp and portray the social and cultural reality and arrive at a cogent tanding of the present status of women in India, we take note of what is present in the s consciousness as also of what is indicated by the logic of sociological understanding

---

chapter we have made use of the terms upper or higher castes, middle level castes and lowera castes een done to conform to Indian social reality in which there exists a ritual hierarchy of castes Alth- hierarchy is not a clear cut one, in terms of closeness of status and a broad commonality of customs res, it is possible to conceive of three levels of castes

3.7 In the first section we examine the influence of religion in shaping and sustaining certain images of women. The second section deals with the forms of social organisation that exert the greatest pressue on womens' roles and status, namely descent and kinship systems, marriage, and family organisation. The third section examines some of the constraints on women because of the distinction between men's sphere and women's sphere such as, those springing from division of work and seclusion and segregation of women, and the problems of adjustment that arise due to processes of social change. These are connected with the multiple role of women as home makers, wage earners, and participants in the wider society. The fourth section discusses certain special problems of women such as prostitution and suicide.

Images of women in Religious Traditions:

3 8 Indian society consists of communities professing diverse religious faiths. Because of the secular character of the polity and criminal and civil laws, the state dose not make any distinction on the basis of religion, but because of the continuation of various systems of personal law, and special protection for minorities provided in the Constitution, religion does receive some recognition. *In starting with a discussion on religious traditions it is not implied* that religion is of paramount importance in understanding the relative statuses of men and women or that all categories of social facts which need to be understood in this connection are rooted in religion. That religion itself is born and nurtured in a certain type of social structure cannot be denied; nor can it be denied that religion imparts legitimacy and is functional to sustain certain kinds of social structure. At the same time when a religion is super-imposed on the sub-structures of certain sections of a society, it calls for and necessitates many compromises and adjustments. Religious systems and principles of social organisation cut across each other. For analytical purposes only, therefore, discussion of religion is separated from social structure and the various social institutions.

3.9 Religion provides ideological amd moral bases for the accorded status and institutionalised roles of women in a society. The social restrictions on women, and also the people's notions about their proper roles in the domestic and extra-domestic spheres, are largely derived from the religious conceptions of a woman's basic characteristics, her assumed 'virtues' and 'vices', her proverbial strengths and weaknesses, and the stereotypes regarding her nature and capacities. Each religion has a treasure of myths and legends which through descriptions of events and activities emphasize certain values.

3.10 Religion has a definite role to play in the crises of life, i.e., the points of transition in an individual's life such as birth, initiation, marriage, and death. The social and religious aspects of these occasions are intermixed in all communities. It is an accepted fact that there are definite social mechanisms which help an individual to internalise the values, norms, and behaviour patterns rooted in religion. A continuity of conceptions regarding women's status and roles is assured in the process of socialisation in which women play a prominent role. A comparison of the fundamental notions regarding women in the major religious traditions reveals a direct conflict between them and the idea of the equality of sexes which is one of our guiding princples.

3.11 It is true that scriptures and sacred texts provide scope for diverse interpretations and value emphases at the hands of different authorities and at different periods of time. Religion has a dynamic character and is shaped and reshaped by historical processes and the interactions with popular religion. In India, Islam and Christianity had to compromise with local customs since their followers remained under the influence of pre-conversion social and religious traditions. Similarly, Hinduism has always absorbed both the "Great Tradition" and the "Little Traditions"[2].

3.12 Through different periods of history orthodox Hinduism has produced strong reactions and has resulted in the establishment of new religions or sects, such as Budhism, Jainism, Sikhism, Veerasaivism, and Vaishnavism, and the nineteenth century reform movemens like

---

2. "In a civilisation there is a great tradition of the reflective few and there is a little tradition of the largely unreflective many. The great tradition is cultivated in schools or temples, the little tradition works itself out and keeps itself going in the lives of the unlettered in their village communities. The tradition of the philosopher, theologian and literary man is a tradition consciously cultivated and handed down; that of the little people is for the most part taken for granted and not submitted to much scrutiny or considered refinement and improvement. The two traditions are interdependent. Great tradition and the little tradition have long affected each other and continue to do so."
Refield, R. *Peasant Society and Culture* (1956)

TABLE 38 DISTRIBUTION OF POPULATION BY RELIGION 1971

Sl No	Total Population	Hindus Population	Hindus %age	Muslims Population	Muslims %age	Christians Population	Christians %age	Sikhs Population	Sikhs %age	Buddhists Population	Buddhists %age	Jains Population	Jains %age	Other Religions and Persuasions Population	Other Religions and Persuasions %age	Religions not stated Population	Religions not stated %age
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
India	547 949 809	453 292 086	82.72	61 417 934	11 21	14 223 382	2 60	10 378 797	1 89	3 812 325	0 70	2 604 646	0 47	2 184 556	0 40	36 083	0 01
STATES																	
Andhra Pradesh	43 502,708	38 119 279	87 63	3 520 166	8 09	1 823 436	4 19	12 591	0 03	10 035	0 02	16 108	0 04	995	N	98	N
Assam	14 957 542	10 625 847	71 04	3 594 086	24 03	667 151	4 46	12 347	0 08	45 212	0 30	12 917	0 09	62	N		
Bihar	56 353,369	47 031 801	83 46	7 594 173	13 48	658 717	1 17	61 5[illegible]0	0 11	4 806	0 01	25 185	0 04	976 997	1 73	170	N
Gujarat	26 697 475	23 835 471	89 28	2,249 055	8 42	109 341	0 41	18 223	0 07	5 469	0 02	451 578	1 69	18 781	0 07	9 547	0 04
Haryana	10 006 808	8 956 310	89 23	405 723	4 04	9 802	0 10	631 048	6 29	845	0 01	31 173	0 31	5	N	1 902	0 62
Himachal Pradesh	3 460 434	3 324 627	96 08	50 327	1 45	3 556	0 10	44 915	1 30	35 937	1 04	626	0 02	319	0 01	128	N
J & K	4 616 632	1 404 292	30 42	3 040 129	65 85	7 182	0 16	105 873	2 29	57 956	1 26	1 150	0 02	8	N	42	N
Kerala	21 347 375	12 683 277	59 41	4 162 718	19 50	4 494 089	21 05	1 284	0 01	605	N	3 336	0 02	562	N	1 504	0 01
Madhya Pradesh	41 654 119	39 024 162	93 68	1 815 685	4 36	286 072	0 69	98 973	0 24	81 823	0 20	345 211	0 83	836	N	1 357	N
Maharashtra	50 412 235	41 307 287	81 94	4 232 023	8 40	717 174	1 42	101 762	0 20	3 264 223	6 47	703 664	1 40	80 023	0 16	5 079	0 01
Manipur	1 072,753	632 597	58 97	70 969	6 61	279 243	26 02	1 028	0 10	495	0 05	1 408	0 13	83 167	7 75	3 846	0 36
Meghalaya	1 011 699	187 140	18 50	26 347	2 60	475 267	46 98	12 262	0 12	1 878	0 9	268	0 03	318 168	31 45	1 369	0 43
Mysore	29 299 014	25 332 388	86 46	3 113 298	10 63	613 026	2 09	6 830	0 02	14 139	0 05	218 862	0 75	380	N	91	N
Nagaland	516 449	59 031	11 43	2 966	0 58	344 798	66 76	687	0 13	179	0 04	627	0 12	108 159	20 94	2	N
Orissa	21 944 615	21 121 056	96 25	326 507	1 49	378 888	1 73	10 204	0 04	8462	0 04	6 521	0 03	91 859	0 42	1 118	N
Punjab	13 551 060	5 087 235	37 54	114 447	8 84	162 202	1 20	8 159 972	60 22	1 374	0 01	21 383	0 16	355	N	4 092	0 03
Rajasthan	25,765 806	23 093 895	89 63	1 778 275	6 90	30 202	0 12	341 182	1 33	3 642	0 01	513 548	1 99	4 339	0 02	723	N
Tamil Nadu	41 199 168	36 674 150	89 02	2 103 899	5 11	2 367 749	5 75	4 355	0 01	1 148	N	41 097	0 10	6 080	0 01	690	N
Tripura	1 556 342	1 393 689	89 55	103 962	6 68	15 713	1 01	318	0 02	42 285	2 72	375	0 02				
Uttar Pradesh	88 341 144	73 997 597	83 76	13 676 533	15 48	131 810	0 15	369 672	0 42	139 639	0 05	124 728	0 14	423	N	742	N
West Bengal	44 312 011	34 611 864	78 11	9 064 338	20 46	251 752	0 57	35 084	0 08	121 504	0 27	32 203	0 07	194 126	0 44	1 140	N
UNION TERRITORIES																	
Andaman & Nicobar Islands	115 133	70 134	60 92	11 655	10 12	30 342	26 35	865	0 75	103	0 09	14	0 01	1 264	1 10	756	0 66
Arunachal Pradesh	467 511	102 832	21 99	842	0 18	3 684	0 79	1 255	0 27	61 400	13 13	39	0 01	296 674	63 46	785	0 17
Chandigarh	257 251	184 393	71 68	3 720	1 45	2 504	0 97	65 472	25 45	92	0 04	1 016	0 39	47	0 02	5	N
Dadra and Nagar Haveli	74 170	71 075	95 83	740	1 00	1 918	2 58	3	N	73	0 10	303	0 41	21	0 03	37	0 05
Delhi	4 065 698	3 407 835	83 82	263 019	6 47	43 720	1 08	291 123	7 16	8 720	0 21	50 513	1 24	527	0 01	241	0 01
Goa, Daman and Diu	857 771	551 482	64 18	32,250	3 76	272 509	31 77	885	0 10	260	0 03	556	0 06	269	0 03	560	0 07
Laccadive Minicoy and Amindivi Islands	31 810	1 545	4 86	30 019	94 37	239	0 75	4	0 01		--			3	0 01		
Pondicherry	471 707	400 793	84 97	29 143	6 18	41 296	8 76	51	0 01	21	N	237	0 05	107	0 02	59	0 01

† [illegible] e f r 297 853 persons was canvassed at the 1961 Census instead of all India schedule hence the religion break up for 1961 Census is not available
[illegible]

the Brahmo Samaj and Arya Samaj. These have to be viewed in the context of the direct or indirect effect that their preachings and activities have had on the status of women.

Hinduism:

3.13 Hinduism has a long history and many faces. During the centuries of its existence, the image of women has undergone many changes. It is said that women in the Vedic period enjoyed a high status. They had the right to study the Vedas and to offer sacrifices, and enjoyed considerable freedom in marriage. There was no bar on the remarriage of widows or women remaining unmarried[3]. This is not, however, true of Hindu women today. The women of the later ages pictured in the epics, the Puranas, and the Dharmasastras have travelled a long way and can be seen in some ways even in the modern age. The image of women is not consistent and coherent, but her expected rights and duties are fairly clear. It is not our intention to trace and analyse the deterioration or ups and downs in the position of Hindu women through the various periods of history. What we are primarily concerned with is to identify the traditions which continue to affect the status of Hindu women in modern times.

3.14 Hindu society, with its well-defined strata, cannot be said to have nurtured to the same degree and at all levels, the values, ideals, and norms propounded by a religion having a continuity of thousands of years. There has been a continuous interaction between the Great Traditions of the literati and Little Traditions of the masses, and the percolation of the ideals, models, and values contained in the corpus of religious literature of Hinduism has been an unending process.[4]

This work has been carried out through the rendering of myths and legends in regional languages and by institutions like Hari Katha, Ramlila, Kirtan and Bhagavat.

3.15 In Hinduism a woman is described by a multitude of derogatory attributes. She is called fickle-minded, sensual, seducer of men; given to falsehood, trickery, folly, greed, impurity, and thoughtless action; root of all evil; inconsistent; and cruel. She must not study the Vedas or perform any sacrifices; knowledge of the Shastras is forbidden to her. There is no provision for a woman to become a regular sanyasin. A woman is grouped with the Shudra, and along with them is called Papayoni, i. e. of sinful birth or one preordained to a low station in life. There are exhortations that a woman should be kept under control. "In childhood a woman must be subject to her father, in youth to her husband, and when her lord is dead to her sons. A woman must never be independent." This dictum of Manu along with Tulsidas's well-known stanza in which be groups women with drums, morons, Shudras and cattle as objects fit to be beaten have influenced the attitude of the Hindu masses towards women.

3.16 There is no overall appraisal of a woman's personality in the lore of Hinduism. She is viewed only in specific roles. With the conception of marriage as the true destiny of a woman and with her important obligation to bear a son, the roles of wife and mother emerge as the proper roles for a woman. The cult of the mother-goddess, whether accepted as an important trait of the pre-Aryan matrilineal cultures or borrowed from the tribals, seems to have had some influence on the status of women. A woman in mother's role has been elevated to a very high position in Hindu religious literature. She has been given high praise and a son has been asked to give respect to her. The Mahabharata says that mother excels in her greatness ten fathers and even the whole earth[5]. There is no guru like the mother. A Sanyasi is supposed to go beyond any kin-relationships, and if he happens to come across his parents, the biological father touches the feet of his Sanyasi son, but even this Sanyasi is expected to touch the feet of his mother.

3.17 The close and sustained association of the child with the woman's body is emphasized in a number of ways. By idealising the quality of sacrifice in a mother and by eulogising her motherhood, religion binds a woman to the home and to her role of creating and nurturing. A young virgin before the onset of menstruation and the mother of a son are the two images which evoke veneration. There are numerous laudatory references to the

---

3. Altekar, A. S. — *The Position of Women in Hindu Civilisation* 1938; Kane, P.V. *History of Dharmasastra*, 1930, Vol. II, Part I.
4. Singer, M.— *When a Great Tradition Modernises: 1972*
   Singh, Y. — *Modernisation of Indian Tradition, 1973*
5. Kane, P.V. — *History of Dharmasastra—p. 580*

... sex in these roles in the religious texts which are hardly in consonanc... ted rights laid down in the Dharmashastras Under the impact of image... sustained in Hinduism, women are regarded, on the one hand, as the embodi... and spiritual power, on the other, they are viewed as being essentially weak a... creatures who are in need of constant guardianship and protection of man

3 18 There is strong emphasis on a faithful and uncomplaining wife The ... is the devoted wife who is willing to suffer all kinds of adversities for the sake o... her husband The dominant characteristics of well known characters of Hindu ... Sita, Savitri, Ahalya, Draupadi, Gandhari, Mandodari, Damyanti to name ... loyalty to their husbands, steadfastness and chastity This has been the essence of ... role as wife Her husband is her lord and master She has no separate existe... Ardhangini she is her husband's partner in Dharma Artha and Kama As ... Dharma she has to respect and look after her parents in law and other members ... conjugal family, look after the home and take care of guests and servants As the st... of Draupadi runs, ' the husband is a woman's God, it is through her husband alone ... woman, obtains progeny, enjoys comforts and luxury, attains fame in this world and ... in the next She serves her husband and performs Vratas for his welfare She gives up cosm... when her husband is away " Bhishma in Mahabharata states the following attributes as... best feminine virtues fidelity, forgiveness, absence of guile piety and truthfulness T... virtues please Laxmi and bring rewards Parvati says that there is no other God for a wo... but her husband, and by serving him she attains heaven She must be kind even to an unk... and irate husband and obey him Thus not only marriage but the services rendered to on... husband are of paramount importance to a woman So much so that it is said that for wom... there is no other religious rite but to serve their husbands It is testified in the Puranas that... woman by serving her husband in thought, word and deed secures with much less trouble th... same spiritual and heavenly worlds that her husband does with great effort and trouble Ex... pectation of immolation on the deceased husband's pyre (Sati) by the widow was the extreme ... limit of the notion that a woman's worth is nil without her husband

3 19 For Moksha, women are grouped with Shudras and uneducated Brahmins Devi ... Bhagavata Purana states that since women and Shudras, are unable to study the Vedas, ... the Puranas are compiled for their benefit The Bhagavata Purana states that the Maha-bharata was composed for women and Shudras, who are debarred from listening to the Vedas After the emergence of Bhaktimarg, the path of devotion which did not need complicated knowledge and elaborate rituals, some women attained eminence and it provided an honourable way of partial asceticism, sometimes even complete asceticism for women

3 20 In Hinduism, a strong patrilineal social structure along with features like the giving away of the girls in marriage, importance of the son for continuity of the line, authority and superiority of the male, significance of virginity, etc, have been sanctified with the help of Sanskaras The significant ideas contained in the Vedic or Pauranic texts used for Sanskaras have their influence in varying degrees at various levels of Hindu population

Vratas for Women and Their Significance

3 21 Marriage[a] and motherhood are the most honourable and religiously valuable achievements for a Hindu woman The critical significance of marriage, of the continuity of the married state, and of motherhood for a woman is dramatically expressed and emphasized in the observance of special Vratas They are observed for ensuring long life and welfare of the husband, for the realisation of the culturally coveted goal of getting married and of getting a suitable partner for life, and for securing special protection of sons Their content in terms of the type of worship, the nature of fasting may differ from region to region, but degree of self denial, invocation of some deity or sacred object, commemoration of the deals of some mythological female figure constitute their core features Renewal and distribution or exchange of objects which serve as diacritical marks of the married state such vermilion, glass bangles, and black beads is also customarily done on such days

Some Vratas are meant to be observed throughout life, some for a particular period, by unmarried girls, some by married women To mention only a few a special worship

---

... story of Shubhru and Galavi in Mahabharata emphasises the supreme necessity of marriage to a ... Shubhru grew old and weak in severe Tapasya (penance) and decided to give up her life She ... of attaining heaven but was warned by Narada that being unmarried she could not go to Swarga ... then offered to bestow half the merit of her tapasya on whosoever would agree to marry her ... married her for one night and ensured her entry into heaven

of Goddess Laxmi on particular days; yearly commemoration of the steadfastness of Savitri who followed the God of Death and brought back her husband alive; annual worship of Parvati who performed difficult penance to win the heart of Siva; Varalaxmi puja prevalent in the South; Karwa Chauth observed in North India; Jayaparvati observed in Gujarat; Mangala Gaur or worship of Goddess of Tuesday in the month of Sawan in Maharashtra, a special Vrata in Bundelkhand called Suhagle (observed for the sake of suhag or Saubhagya, i. e. the good fortune of having one's husband alive). Some of these have their sanction in the Great Sanskritic Tradition while others are rooted in regional beliefs.

3.23 Most of the Vratas observed by a mother for the welfare of her children are meant to be observed by those who have a son. Women having only daughters do not observe them. The differential value of son and daughter is apparent.

3.24 Internationalization of values of steadfastness, self-effacement, service and playing a secondary role is effected through these Vratas, which are observed even by many educated and sophisticated women. This may be either because of the strength of their beliefs; or because of their socialization which they cannot shake off, or because of the expectations of the family for whom this is an inalienable aspect of a wife's or a mother's role. Tremendous importance is attached to these observances for newly married woman.

3.25 The converse of this notion of marriage as women's destiny and the married state as the most desirable, is the idea of inauspiciousness and loss of the right to full participation in socio-religious life associated with widowhood. In contrast, a Hindu male has no fasts to observe for the wife's long life and welfare. The husband wears no distinctive marks signifying the married state and does not incur any inauspiciousness at the death of his wife. Religion, as a system of beliefs and rituals, undoubtedly accords an inferior and dependent status to Hindu woman. The common blessing for a woman 'May your husband live long' is self-explanatory. Although the strict code of conduct prescribed for widows is no longer operative in its most restrictive and oppressive aspects, there are certain disabilities associated with widowhood. She is debarred from active participation in auspicious occasions. Besides the items of decoration associated with the married state, she is expected also to discard colourful clothes, glass bangles, wearing of flowers, and attractive jewellery. Plain white colour is associated with widowhood, and by implication is forbidden traditionally for the Sumangali, i. e., one whose husband is alive. The widows of Bengal, who abstain from fish and the Kammas and the Reddy widows of Andhra Pradesh who give up meat are not yet extinct. Among the Brahmin and also among such non-Brahmin communities who do not have the custom of widow re-marriage, there are a number of ways for restricting the life of a widow so that she gets little pleasure out of life and her natural desires are suppressed. A distinct contrast between the status of a widow and a Sumangali is characteristic of India as a whole.

3.26 Even among such groups which traditionally allow widow remarriage, the disabilities associated with widowhood are present though not in the same degree of severity. In Hindu and tribal India a woman is entitled to marry with full rites only once in her life. Her subsequent unions, though approved by society, are solemnised by a very simple ceremony or may often be given recognition after a simple feast. Women with such secondary unions suffer from a few specific disabilities in regard to performance of particular roles in the rituals of marriage and worship of deities. This again indicates the significance of marriage for a woman and the vulnerability of her purity. No such disabillty characterises a man; he can marry a virgin any number of times with full rites and ceremonies. Even though the Widow Remarriage Act was passed in 1856 Hindu society still has not come to accept widow remarriage without reservation. For the majority, widowhood continues to be associated with the handicaps discussed earlier.

3.27 Grave impurity is associated with mensturation and child-birth. Severe restrictions over menstruating women in respect of association and participation in domestic, extra-domestic, and religious activities found in the texts have been strong among the Brahmin and upper caste groups, but have been operative among other sections especially in the sphere of religious ceremonials.

3.28 This notion of periodical impurity of women is one of the important bases for the conception of inferiority of the female sex as compared to the male. A woman is usually in charge of routine domestic worship; but nowhere is she found to be in charge of worship at the shrines and temples. Even Kali and other female deities are to be worshipped by a male

priest It should be noted that this exclusion of women from officiating at community worship is not a direct result of their lack of knowledge of rituals which may be needed for worship since in many kind of worship no such knowledge is required *Periodical impurity* appears to be the basis for the exclusion of women from this role

The Bhakti Movement

3 29 The Bhakti movement which arose during the medieval period denounced complicated rituals and asserted that God could be worshipped not only through knowledge and rituals but also by devotion The devotional hymns composed in the languages spoken by the people ... rance of Sanskrit had often deprived them ... of the men This movement placed God

3 30 The history of the Bhakti movement reveals that it brought great solace to women and presented an alternative way of life to many individual women Some even attained sainthood Meerabai Muktabai Janabai Vishnupriya are well known names in Bhakti literature whose compositions are popular to this day For widows and neglected women devotion provided an austere way of life and a certain justification for living Neither a Brahmin nor a husband is needed to reach God

Veerasaivism[7]

3 31 ... t the time of its inception a democra tis ng ... sa visin consists of vachanas (sayings) of 200

3 32 Marriage which is not str ctly a religious cerem ny is not considered as an obl gatory ritual nor is ... allowed Ve ... frown upon t ... indispensable ... women also ... work They

Islam—

3 33 In their relationship with the divine men and women stand on a footing of equality in Islam Woman like man is an individual who can pray to the Almighty and can hope for redempti ... I lam does not consider woman as an impediment in the path of ... the root cause of man s downfall The Quran is replete ... g the lot of women who in the pre Islamic societies had held a very inferior and servile position However in spite of the fact that Islam provided a much higher status to women than was commonly recognised in earlier societies the social standards of the time were very different from those accepted today and therefore the Muslim Shariat Law as it has developed over the centuries places women in a disadvantageous or an inferior position in many respects Many of these disadvantages arise from interpretations of the Koranic verse or the sayings of the Prophet in the light of the cultural norms prevailing in medieval times Sometimes traditions of the Prophet were even invented to validate later cultural norms which were being adopted under various types of influences A few examples may be mentioned here

3 34 In regard to witnesses it was said that if a second man is not available, two women should be called so that if one errs the other will remember This was perhaps a safety device in view of women s extremely limited understanding of financial commercial, and trade relationships but it was also used for curtailing the women s right to a minimum in respect of offering evidence in criminal and civil cases

3 35 In Islam a woman is as much a believer as a man and (except in certain bodily conditions such as manstruation) has an equal right to undertake religious duties like praying and fasting But a woman cannot be a priest nor can she lead the prayers She has no place in the formal religious o ganisation and legal affairs of the community She cannot be appointed a Kazi

3 36 Modesty decorum and chast ty were emphasised in the Quran, and the women were advised not to display their ornaments of beauty This led to conflicting view points about

7 Cult followed by the Lingayat Commun ty in Karnataka

the veiling and seclusion of women. It was thought proper to keep the women away from the gaze of outsiders. Among Indian Muslims, burqa and use of covered vehicles have been common devices for keeping women away from the gaze of outsiders. The matrilineal Muslim women of Lakshadweep and Kerala have however moved about without a burqa but with the head covered. It appears that the veil and seclusion of women have been more characteristic of the upper and the middle strata of society, more so in urban areas. The burqa is now becoming more of a lower middle class phenomenon and a status symbol amongst the working classes to indicate a rise in their social status. It is otherwise decreasing due to a number of factors such as education, economic pursuits, and the forces of modernisation generally. But it still continues to be a social reality and much religious feeling is associated with it.

3.37 Women's seclusion in Islam made them lose one of their important privilege-participation in communal prayers. It also lent extra support to a series of restrictions-women should not converse with other men, they should not talk loudly, letting their voices be heard by other men, they should not receive guests without the permission of the husband, and so on. Women can join in the prayer at the mosque for which there is a separate and secluded area reserved for them.

3.38 Marriage in Islam derives its legitimacy from the Shariat and is a contract. There is no ban on widow remarriage and divorce is allowed. Marriage is not religiously obligatory for a woman. But the contract of marriage gives very unequal rights to man and woman. Besides, the prevailing social customs are much more powerful in determining the social attitudes towards marriage, widow remarriage and divorce than the religious injunctions. As an example, religion provides for the free consent of both parties in the nikah, but in practice, it is a mere formality, so far as the girl is concerned. Similarly, widow remarriage and divorce are generally frowned upon, specially among the middle and the upper classes, even though they are permissible in Islam.

3.39 The rights of repudiation of the marriage contract is with the husband. Polygamy is permitted in Islam. A wife, therefore, has a distinctly inferior status. The institution of marriage-guardian (details of which differ according to different schools of law) places a woman in a subordinate position. Religion makes the husband the family head and expects the wife to obey and serve him.

3.40 Mehr (Dower) is meant to be a security for the wife against the possibility of divorce at the husband's free will. It is doubtful, however, as to how many women are in a position to assert their claims to mehr in the event of a divorce or widowhood, particularly in the communities among whom the marriage contract need not be in writing.

3.41 Women's rights to inheritance, provided in Islam, are significant especially in view of the fact that they were meant for a patrilineal social structure. Islam introduced shares for wife, daughter, mother, sister and grand-mother, the general rule being that the female was to inherit half of what the corresponding male would inherit. However, the women's right to hold or inherit property, is not often unheld in practice. This is largely due to their seclusion, absence of education, and the prevalence of customs and conventions which, in the Indian cultural setting, go against women's rights.

3.42 With regard to education, although Islam has made acquisition of knowledge an obligatory duty for every Muslim, in the case of women, it is largely restricted in practice, to enable them to offer prayers and to recite the Quran. Only the girls of the elite class have had access to some private instruction. It is to be noted that in India, towards the end of the last century, Maulana Abdul Hayy-Lakhnavi[8] was requested for a juristic opinion based on the Shariat whether a Muslim girl should be allowed to learn writing. Though it was supported with the help of a tradition of the prophet, a diffused kind of feeling against women's education has continued and has received strong support from such customs and norms as seclusion of women, the desirability of their subordination to male authority, and the insistence on their performing assigned tasks in the domestic field.

3.43 The two practices that have been most detrimental to the status of women in Islam have been Talaq or unilateral divorce and seclusion of women. It is largely seclusion that has kept women backward in respect of education, health, prevented their participation in economic and social fields and has been a hurdle in the way of realising their property rights. It has

8. Fatewa Mawlana 'Abdul-Hayy' (Deoband), 550

made them heavily dependent on men for the business of living and hence also for achievin any progress

Christianity

3 44 In India Christianity is represented by communities of various denominations In each of these communities the practice of the tenets of Christianity has been influenced in varying degrees, by historical and contemporary socio cultural factors This has resulted in over shadowing suppressing or reviving and bringing into focus the essence of the teaching of Christianity regarding the status and role of women

3 45 The myth of creation which says that Eve was created after Adam to act as his companion and help mate accords a second place to woman in domestic and social life She has to be subordinate first to her father and then to her husband The mythic image of Eve is one who tempted Adam to eat the forbidden fruit has put a permanent stamp over women as tempters and seducers and has given the husband the right to control the wife The Indian Christians believe that the wife belongs to the husband and it is because of this notion with its roots in religion that among some dowry giving Christian a man is supposed to have a right over ornaments and property received by his wife from her parents

3 46 Marriage is Christianity however lays emphasis on the establishment of a mutual relationship between husband and wife and on their duty towards each other This is power fully expressed in the following pronouncement which forms a part of the marriage rites

> "Man shall leave his father and mother and shall cleave to his wife and they shall be one flesh

These words are interpreted to mean that the nucleus of family organisation is the mutual relationship of husband and wife the ultimate authority and responsibility is not placed in the extended family or the patriarch This outlook accords a better status to the wife than the others which regard marriage as an alliance between two families and transfer of the girl from one family to another Our investigations show that even in some Indian Christian communities like the various groups of syrian Christians of Kerala and Catholic Christians of Mangalore wl o [illegible] amily system to some extent the daughter in law s not relegate [illegible] move about with her husband and it is re ognised [illegible] law in patrilineal families [illegible] her husband Her status is much better than he status of the upper caste Hindus Though e father is the recognised head of the family, the mother has her own sphere of work and fluence Although the central authority in the home is vested in the male mutual respon bility of husband and wife is recognized

37 Christianity forbids polygamy The establishment of monogamy stands out as the enduring factor which has raised the status of women in Christianity However the cept of permanency of marriage which is considered a divine sacrament with no place for orce has affected the women s status in both ways among the Catholics and some other ups Along with the security of home and the certainty of not being separated from her dren, she also has to be subjected to the husband s authority and is deprived of legal s and independent existence Divorce is recognized by the other groups and is permitted rding to the Indian Divorce Act of 1869

The Bible lays great emphasis on the image of woman as a strong and steady influence e good Her notable qualities are capacity to work with hands kindness, wisdom, nd charity for the needy outside the home and capacity to run her household in a r that children get care and affection and the husband finds relaxation and peace

In Christianity, both men and women are believed to have been created by God in n image Thus a woman is as much entitled to strive for her salvation as man In ery other role in her life is subordinated to this role She is a spiritually sovereign being and this right vested in her may not be violated in marriage She has an ual moral independence and responsibility In Christianity women have been entitled and learn religion and to attend and participate in all religious ceremonies She has o become a nun Thus, in one aspect of life, viz , in matters pertaining to the l the practice of religion Christianity accepts equality between men and women dy is baptised in the name of Christ However, women have never been given fi ic responsibility in the Church organization Even in those Churches wo

hold subordinate offices, ordination of women was not permitted till recently. Today the situation various all the way from Churches like those of the Syrian Christian who do not permit women to hold any office in the Church, to the Methodist Church which aceepts the ordination of women to complete priesthood.

3.50 The acceptance of the notion, common to all Christians, that by helping each other one can attain salvation and the emphasis laid on the virtues of service, love and charity provide a women honourable careers other than marriage. Marriage is not a woman's sole destiny although socially it is most desirable. We do not find the practice of child marriage among Christian communities, and widowhood is not a curse. A woman is not confined to the home. Her participation in congregational prayers, absence of purdah, no rigid insistence on segregation of sexes, monogamy, emphasis on husband-wife relationship, value of Charity, and service to others-all these features of Christianity place women in a relatively better position than in other religions.

3.51 There is little wonder that in India in the later nineteenth and early twentieth century, Christian girls were way ahead of others in education and employment. The first educational and vocational institutions for women were established by Christian missionaries and though many of them were open to non-Christians they gave special concessions to Christian girls. The Christian girls, not subjected to many injunctions and taboos, were in a better position to derive benefit from these institutions. As there was no taboo against their working outside the home, some of them also took up jobs It is generally known that in the late nineteenth and early twentieth century women teachers, inspectresses of schools, doctors, and nurses in India were largely from among the Christians.

3.52 Some of the teachings of Christianity are found to be overshadowed or misused by the customs and values of particular converted groups to the detriment of women's status. We will discuss these issues at appropriate places. However, the basic notion of inferiority of women not softened by any distinct elevation of her sex-linked roles has left Christian women to fight against the slavery of the home and against their large scale confinement to less prestigious jobs in the men's world.

Jainism

3.053 Except in Kerala and parts of Karnataka, the Jains are patrilineal and are governed by the Hindu personal law. Kinship ties and joint family living are strong. Because of recruitment from diverse culture areas the Jains internally differ in their customs and practices, which often over-shadow or even override religion.

3.54 As a way of life Jainism lays great stress on self-denial, restraint of passion, and a life of renunciation, for both men and women. As a socio religious organisation the Sangh comprises both monks and nuns as well as both male and female lay followers. A woman has a legitimate position in the congregational life. She can occupy a position of leadership in which she deals with matters of practical concern and not with instruction. But the female ascetic appears to have suffered from certain handicaps in matters of seniority between monks and nuns, and in freedom of advanced study of certain scriptures. By and large religious learning and renunciation are allowed to women who have a full right to aspire for Moksha. The sects differ in their view of whether a woman can attain liberation as a woman or her soul has to be reborn as a man (as women have certain physical disabilities and mental weaknesses) in order to attain liberation. However, since according to Jainism no one is likely to attain liberation in the present age, this controversy does not have much practical significance.

3.55 In the religious context it cannot be ignored that in ascetic manuals and sermons there is severe condemnation of woman who is looked upon as a tempter and seducer and is called tricky, deceptive, hypocritical, fickle, untrustworthy, and treacherous. This has been done with the specific purpose of warning a monk to keep himself away from women so that he is not swayed from a strict celibacy in word, thought and deed. No such derogatory characterization of man is needed to keep women on the path of self-restraint in Jainism.

3.56 Jainism prescribes suitable patterns of moral conduct for ascetic as well as domestics life. Although actual customs and practices of the Jains often depend on their environmental setting nnd thus manifest differences between north and south, east and west, certain basic features of the faith have definite influence on the status of women. As there is no religious obligation of Pinda-dana to ancestors in Jainism there does not appear to be any premium

on the birth of son In the patrilineal setting however, boys have been claiming superiority over girls in respect of the right to inheritance and succession For a daughter it has been customary to get Kanya shulka or some kind of compensation Nor is marriage obligatory Hinduism, for the religious path is open for her and so the customs differ from area to area but Jain women also use diacritical marks to denote their marital status Marriages are arranged by the parents and they tend to do so in restricted circles which are something like sub castes

idow remarriage for a life of are however, found customa man does not easily lose her family setting A widow is obliged to lead a simple life but with the adoption of a pious way of life she could become an object of reverence She could also become a nun Thus widowhood is not exactly a curse in Jainism But differential treatment of the sexes in this respect is clear

3 58 In the context of the family, chastity in women is greatly valued and several stories in Jain scriptures are woven round this theme Motherhood is respected but a childless woman does not find her future absolutely dark

3 59 In Central and North India the Jains follow a certain degree of segregation of sexes Kinship ties are strong and women have constraints comparable to those of their high caste neighbours The brunt of maintenance of regulations related to purity and to food falls on women In the changing milieu the religious prescriptions are mainly observed by women

Buddhism

3 60 Buddhism recognized broad parity between man and woman in matters of religion both the sexes being charged alike with the duty of upholding Dharma Women are allowed to become nuns Nirvana is possible for both men and women Thus Buddhism as a liberal reaction against orthodox Brahmanism elevated the status of women But after a modicum of equality the scales have been tipped in favour of the monk This is clear from such evidence as a statement that the merit accruing from a donation to the Sangh of monks is more than that accruing from a donation to the Sangh of nuns, the rule that cannot preach to the order of monks and the rule that a Bhikkuni, even though older, should bow down even before a younger Bhikku

3 61 Buddhism does not consider woman as evil or as one solely responsible for sensuality in the world Yet she can be an obstruction in the path of deliverance Woman is physically weak and dependent, but mentally as good as man

3 62 A girl can remain unmarried by becoming a Bhikkuni From widowhood also there is a respite in renunciation However the ideal propounded for women in society is not materially different from the one upheld by the orthodox Hindu view She has to serve the man Mother as a self sacrificing and benevolent figure is very much present in Buddhist thought Despite her intellectual parity, woman is definitely considered as inferior to man in the monastery as well as in society

3 63 In Ladakh Lahaul and Spitti where Buddhism prevails at least in theory men and women are considered mentally at per with one another But in practice the position is quite different Of the two types of nuns in the Buddhist order the Bhikkhuni (with 300 rules of conduct and treated more or less equal to male counterparts) and the samenara (with only ten rules to obey) today we find only the Samenara who generally live with their families, and are treated like honoured servants They are given higher seats but their job is to perform household chores In this area there are very few nunneries Even senior nuns are considered inferior to monks Because of the prevailing practice of polyandry in these regions girls are often forced to become nuns Since the communities in these regions practise the customs of bride price as well as divorce and remarriage the Buddhists also follow them

3 64 The birth of a boy is not specially felicitated This is presumably so because the girl is a productive worker and brings gifts at marriage Because a son is not needed by the parents for the last rites and Pindadana in the same way as the Hindus, girls are not lower than the boys

3.65 The position of women in these areas appears to be better than that of the women in the plains, but it is difficult to ascribe this to Buddhism as such. The main reason perhaps lies in their participation in the economy. Buddhism leaves most of the areas of worldly life to be managed by the people according to their customs and traditions.

3.66 In the newly emerging areas of activity like education, medical service, and political participation men are coming forward more than women. The preaching and organization of religion is in the hands of men.

Sikhism

3.67 Sikhism condemns formal ritual, idolatry, and superstition, and emphasizes simple devotion to God. In the pursuit of religion both men and women have a place as individuals. "That tongue is ever blessed, that utters words of God's devotion," Sikhism emphasizes the householder's ideal and demands respect for woman as men's helpmate and sharer in his domestic life. It does not look upon women as an agent of sin and evil; nor does it regard her as an object of pleasure. Guru Nanak asks women to have a pure way of life and not indulge in extravagance or [illegible]. A notion of impurity with the cosmic natural processes like birth is condemned. Man is exhorted not to condemn woman who is his companion and of whom are born great men and all men.

3.68 For the purpose of salvation there is no difference between men and women. In social life, however, Sikhism did not secure equality for women. Her kinship and domestic roles are emphasized. She has important roles to play as wife, mother, sister and daughter. The qualities that women are asked to develop are love, obedience, contentment, and sweet temper. A woman should be in harmony of temper with her husband. Mother's role and wife's role are brought into relief in the tales of the wives of the Gurus.

3.69 Sikhism was adopted by people belonging to different Hindu Castes mainly in the Punjab. In the religion, there are several clearly defined rules regarding personal habits, but not many well-laid out injunctions covering institutions like marriage and family that could have appreciably changed people's staunch beliefs and actions. We, therefore, find that certain social customs, women's roles and constraints over them are not common to all the Sikhs. In this respect there are important differences from territory to territory and from group to group. The differences in the rural and urban settings are also significant. The Jat Sikhs continue to follow their original Jat customs. In matters such as divorce, separation, remarriage, widows' position, women's rights of ownership and inheritance and seclusion of women, people generally tend to follow the customs and practices of their original caste or regional culture.

3.70 Importance of kinship and of family ties, with the idea of the transfer of the girl in marriage from one family to another, have a prominent part shaping role relationships in the family. The Sikhs are governed by the Hindu personal law which exsites side by side with the customary law of particular groups.

Zoroastrianism

3.71 In India there are less than 100000 Parsees, who follow Zoroastrianism-one of the oldest religions of the world. Migrating to India over 1300 years ago, the Parsees adopted Gujarati as their language, and while retaining most of the customs and elements of their religion, they could not escape some influence of the indigenous populations. After the coming of the British, they were among the first to take to the Western style of life and to English education.

3.72 Zoroastrian women enjoy a position of honour in the family and in the society. The evils of polygamy and child marriage, which had crept in under Hindu and Muslim influence, were fought and removed by the Parsee Panchayat in the 19th century. The Parsee Marriage and Divorce Act and the Parsee Succession Act were passed with the strong support of the leaders of the Parsee community.

3.73 In Zoroastriansism women are entitled to both religious and secular education. Boys as well as girls go through the investiture rites. Marriage is solemnised and sanctified by a religious ceremony, but it is a contract. It is always monogamous, Consent of both the boy and the girl is essential for marriage. Religious tradition does not approve of child marriage, and today, as in ancient days, the minimem age of marriage for girls is fifteen. If circumstances demand, a girl can marry against the wishes of the parents, Dissolution of

marriage, for proper reasons is allowed Practice of remarriage has always been there A Zoroastrian woman is an equal partner in marriage and family and enjoys respect as mother and wife Parents of both the bride and the bridegroom contribute to the setting up of a new household A woman has inheritance rights both in her capacity as a daughter and as a wife A widow does not have to forego the inheritance of husband s property if she remarried

3 74 Zoroastrianism traditionally imposed menstrual taboos demanding segregation and non participation in religious activities Though no longer stringently practised these restrictions are operative in the context of rituals Women can preach but they cannot became priests Only since 1935 the Parsee Panchayat has started admitting women into it as members

3 75 There is one disability which women suffer compared to men, but it is more a function of patriliny, combined with a non proselytizing religion The child of a Parsee father and a non Parsee mother whether in wedlock or out of it, can be initiated into Zoroastrian faith by the Naojote ceremony But neither by religion nor by law can a child of a Parsee mother and a non Parsee father be received as a Zoroastrian The dwindling numbers of the community are to some extent due to this discrimination as marriages between Parsee women and non Parsee men are on the increase The community finds it unable to stop such marriages for girls have great freedom of movement, but it certainly has tremendous reservations and resentment so far as their marrying outside the community is concerned Conversely a Parsee boy s marriage with a non Parsee girl is accepted with greater grace although the non Parsee wife is never accepted in Zoroastrianism which is not a proselytizing religion Parsee girls marrying a non Parsee by the Special Marriage Act are claiming a right to remain a Parsee and visit the fire-temple but the Parsee Panchayat has not yet decided the issue It may, however be mentioned that these girls do not loss their inheritance rights in in interstate succession

Tribal Religions

3 76 The percentage of tribal population to the total population is 6 87% according to the 1961 Cennsus wh ch records 2 98 79 2 9 people as tribals It is obvious from the table of distribution of population by religion that all tribals are not included in the statewise figures stated in the column otl er religions and persuations ' This will be clear if we have a look at the state-wise distribution of population [illegible] tion of the tribal population For inst ince in M[illegible] ssam 46 28% population is Christian The Ch[illegible] and 378 888 respectively) also comprises tribals on a large scale

3 77 Another factor is the presence of Budhism in some tribol population such as the tribals of Himachal Pradesh Further the people of Lakshadweep who are Muslims have been declared as Scheduled Tribes and the Jaunsari people now included in Scheduled Tribes are Hindus Moreover in States like Madhya Pradesh, Bihar, and Orissa many tribal groups who have been influenced by the neighbouring Hindu population return themselves as Hindu There is a substantial proportion of tribal population in these States and if all of them had declared themselves as belonging to tribal religion figures in the column of other religions' would have been different

3 78 It is however, important to note that those tribals who return themselves as Hindu or Christian do not completely discard their tribal customs Majority of them hold their beliefs worship the tribal deities and conduct ritual etc , according to tradition

3 79 Tribal religions in India do not constitute a homogeneous system What is attempted here, therfore is to identify some significant elements of these faiths and examine the place of woman in respect of them

3 80 The social structures and cultural systems of the tribes are reflected in their system of beliefs and ritual practices Tribal religion is matter of fact and materialistic The purpose of propitiation or homage and of manipulation of supernatural powers is mostly to avert misery and destruction in inter personal relationships and maintenance of structural principles

3 81 Religious activities can be classified into (a) of the family (b) of the group and (c) of the village Women have a role only in the first They may be responsible for keeping the domestic fire kindled and for routine looking after of the place assigned for gods and

ancestors in the house; but in the periodical or special worship of lineage ancestors or deities and clan deities, women have no place; at the most they play the role of helpers in making preparation for rituals. Matrilineal communities like the Khasi are an exception; among them the youngest daughter has an important role to play in relation to lineage ancestors and deities. The Garo also have priestesses. However, it needs to be mentioned that even in many of the matrilineal communities, priestly functions and handling of matters pertaining to transgression of taboos are in the hands of men. In most tribal communities priesthood is a male prerogative. Knowledge of ritual formulae rests with men. In a few tribes like the Saora of Orissa, and the Irula and the Paniyan of Kerala, women function as shaman (diviner and curer), but female priesthood is almost absent.

3.82 Horror of menstrual blood is universal in tribal India and leads (a) to exclusion of women from holding any positions of ritual importance and (b) to their association with malefic supernatural powers. Witchcraft, which is considered dangerous, is largely associated with women, in both tribal and rural India. It is believed to be some kind of an unavoidable malefic power which gets transmitted from another person, commonly one's mother, in some vulnerable circumstances. During the periods of menstrual flow, pregnancy and post-natal impurity, women are held to be specially vulnerable.

3.83 Rites of passage are definitely male weighted. So also are the sacrifices and various devices for increasing the fertility of the soil and cattle and rites to please the elements of nature.

3.84 In some tribal communities women suffer from severe disabilities in the religious sphere. The Toda debar their women from having anything to do with the buffaloes and their products. Their rituals are centred round the buffalo and women are completely excluded. Among the Kota also women are strictly forbidden to associate themselves in any way with the funeral and other rituals. Santhal women are also not allowed to participate in communal worship nor can they eat sacrificial meals. In fact, a Santhal woman is not considered a full-fledged member of the society.

3.85 In the maintenance of community discipline and public morality which is the function of the Panchayats or Tribal Councils, women have no role. Even the Regional Councils set up after independence in some tribal areas, have resisted the efforts of a few women to obtain any position on these bodies.

3.86 While their position in religion and rituals is definitely lower than man, women's participation and contribution in economic activity results in considerable freedom in norms of social behaviour. The average age of marriage is higher among tribal women than among other communities. In choice of partners, rules of divorce and remarriage most tribal women enjoy greater freedom, though the influence of Sanskritisation has reduced this in some communities.

Social and Religious Reform Movements of the 19th and 20th Centuries

3.87 The impact of British rule, English education and Christianity propagated by missionaries resulted in a number of movements for social change and religious reform in the 19th century.

> "The first impact of Western teaching on those who received it was to incline them strongly in favour of the Western way of looking at things and under this influence they bent their energies, in the first instance, to the re-examination of the whole of their ancient civilisation or their social usages and institutions, their religious beliefs, their literature, their science, their art in fact their conception and realisation of life.[9]

3.88 The broad aims of these movements in the social sphere were specially emphasizing caste reform or caste abolition, and improvement in the rights and status of women and generally against social and legal inequalities. The latter, however, involved an attack on certain social institutions and practices like child marriage, positon and treatment of widows, seclusion and the denial of women's rights to property and education, the roots of which lay in the religious traditions of different communities.

9. Gopal Krishna Gokhale in Rao R, and Singh-*Changing India* (Speeches and Writings of Indian Leaders) 1934, P. 122

3.89 Leaders of the reform movements therefore realised that it was difficult to separate [illegible] Though some of the earlier leaders like Ram Mohan [illegible] to reform all religions together, bringing out the basic [illegible] such attempts met with resistance, not only from the [illegible] communities, but also from the policy of the ruling [illegible] of British supremacy in India depended on keeping the different religious communities separate from each other. This policy was particularly aided by the existence of different systems of Personal law, closely related to the religious and customary traditions of the communities and castes which the British helped to perpetuate.

3.90 Historians of the Indian social system have always emphasised a characteristic feature of this stratified society which, while retaining its basic framework of inequalities and divisions, had by and large displayed considerable capacity for adapting itself to processes of social change[10]. Much of this process of adjustment and adaption took place because of regional diversity in cultural norms and the realisation by religious and community leaders that without such adjustment it would not be possible for their particular traditions to survive in the Indian context. We have already pointed out how different religious faiths like Islam and Christianity compromised with existing socio—cultural traditions in different regions and communities. The British system of recording and providing official recognition to principles and practices of social organisation at a period of time however introduced an element of resistance to this process of natural adjustment and change[11].

3.91 It was therefore inevitable that the movement of social reform should develop within the folds of each religion rather than as a unified movement for the transformation of the society as a whole. The most important of these movements that developed within the Hindu society were the Brahmo Samaj, Prarthna Samaj and the Arya Samaj.

3.92 *The Brahmo Samaj* was founded by Ram Mohan Roy in 1825. Concerned with religious issues, it opposed the dogmatic structure of religious tradition. It also attempted to remove certain restrictions and prejudices against women rooted in religion. These included the abolition of child marriage, seclusion of women, limited inheritance rights, polygamy, etc. The Samaj emphasised the need for educating women as the best instrument to improve their position.

3.93 Under the leadership of Keshab Chandra Sen, the Brahmo Samaj became more concerned with improving the position of women. Provision was made for educating women at home and government assistance was enlisted for this purpose. A new magazine was started to publish articles of special interest to women and to provide an opening for their literary aspirations. In 1862 an inter—caste marriage was solemnised under the auspices [illegible] odox Hindus to the legality of such marriage resulted in [illegible] Act (popularly known as the Civil Marriage Act) in 1872 [illegible] riage and divorce, prohibited polygamy and prescribed 14 and 18 as the minimum age of marriage for a girl and boy respectively.

> The Act facilitated the sweeping social reform advocated by Keshab Chandra Sen particularly the abolition of caste distinction.[12]

3.94 In 1879 the more radical section of members founded a separate wing - the Sadharan Brahmo Samaj. They started a women's association in which key positions were held by women. They propagated education and social inter action between men and women and careers for women outside the home.

3.95 It is generally believed that the influence of the Brahmo Samaj was confined mainly to Bengal and north India, but there is evidence to show its extension to South India also. At the end of the 19th coastal districts of Andhra Pradesh were exposed to the influence of the

10 Hutton, J. H. - *Caste in India*. G. S. Churye *Caste, Class and Occupation*. Srinivas, M. N. *Social Change in Modern India*.

11 [illegible] recognition of an existing custom which prevented [illegible] enumeration of people by caste adopted by the [illegible] the normal mobility of castes or sub-castes [illegible] various Superintendents of census of 1911 and 1921 in this respect.

12 Majumdar, R. C., British Paramountcy and Indian Renaissance, p. 104.

Brahmo Samaj. But it was primarily a reform rather than a religious movement. As these districts had seen a great deal of missionary activity, and the conversion of caste Hindus to Christianity, Brahmoism expectedly gained the greatest ground here. This was because the Brahmo Samaj was not a proselityzing movement. Rather, it sought to integrate the untouchables within the Hindu fold. Brahmo leaders were active in providing education and in inculcating a social consiciousness. Venkatratnam Naidu adopted girls from the Scheduled Castes and arranged their marriges to high caste boys. Other leaders included K.V, Pantulu, Unnavalaksh—minarayana, Ramjee Rao and Chilakamarthi Lakshmi naresimhan.[13]

3.96 *The Prarthna Samaj :* Founded in 1867 the Prarthna Samaj developed ideas similar to those of the Brahmo Samaj and remained principally a movement of western India. It propounded belief in one God, supported bhakti and opposed idolatory. While as a body it did not take any formal stand on social reform except sponsoring education for women, some of its leading members were active in the women's cause. Talang, for example, was a founder member of the Bombay Widow Reforms Assocation which arranged the first widow remarriage in 1869. Ranade and Bhandarkar were among the participants when Shankaracharya was challenged to a public debate to decide whether or not the Shastras sanctioned widow remarriage. Ranade acted as the spokesman of the educated people and moderate reformers strengthened the hands of the government in passing the Age of Consent Bill in 1891. Founding of the National Social Conferehce in 1887, with the specific purpose of bringing together annually the representatives of various associations, was a great achievement of Ranade in the women's cause. Two leading Prarthna Samajists, Bhandarkar and Chandavarkar, agreed to be Vice-Chancellors of the Women's University started by Karve in 1916.

3.97 Both these movements made a forceful effort to prove that Hindu religious tradition was certainly not the source of legitimacy for the pitiable condition of women. Under the influence of liberal thought of the West, they recognised the individuality of women. But essentially the aimed at making women better wives and mothers and were keen to bridge the gap between the levels of understanding of the males (both husband and son), who had the benefit of modern education, and the women of the family.

3.98 *The Arya Samaj :* While the Brahmo Samaj and Prarthana Samaj were the products of the reaction of a section of urban, western educated elite, influenced by Western liberalism, the Arya Samaj was a dissident religious movement which rejected Hindu medieval religion with its idol worship und the post-vedic caste society. This was founded in 1875 by Dayanand Saraswati. Essentially revivalist in character, the Samaj also stood for the reform of the caste system and tried to raise the status of women in several ways. It advocated revival of the vedic society in its pristine form. Its influence spread mainly in the Punjab and United Provinces among the middle and higher castes. Though mainly an urban movement, its influence extended to semi-urban and rural areas also.

3.99 Dayanand Saraswati emphasised compulsory education of both men and women and spoke of purdah as an evil which came in the way of courage, learning and broadmindedness. He propagated prohibition of child marriage by law and approved the remarriage of child widows. He was, however, opposed to divorce or to remarriage of widows in general. While he prescribed similar education and religious initiation for boys and girls, he emphasised the need to maintain sex distinction in schools and among teachers, prescribing a minimum distance of 3 miles between boys' and girls' schools. This emhasis on education was continued by the Samaj even after his death, and a number of institutions were established. The Arya Kanya Pathshalas, which gradually developed into colleges have contributed greatly to the cause of women's education. In the later years, leaders of the Samaj broke away from his disapproval of widow remarriage and contributed to improving the position of widows. The Samaj did not make any distinction in marriage rites of virgins and widows.

3.100 Its repudiation of the caste system, however, did not extend to demanding its abolition, nor did the Samaj mount a campaign against untouchability. The followers of the Arya Samaj tended to follow the pattern of arranged marriages for their children as well as the rules of endogamy. While there is no objection to inter-caste marriage, most families tend to establish marital connections within the caste group, sometimes with

---

13. Ramaswamy, Uma—"Self Identity among Scheduled Castes: A Study of Andhra Pradesh", *Economic and Political Weekly*, Vol. IX, No. 47, p. 959

ani families of the same caste In consequence, the reformist character of the move
has tended to recede On the other hand the emphasis on the home making roles of
en whose primary duty is to love and serve their husbands and children in the
tional way has limited its contribution to the cause of women s emancipation

1 *The Muslim Reform Movement* Like the parallel movements among the Hindus
e were movements of reform within the Islamic community Regarding the position
he women, however, reforms were delayed partly because modern education entered
Muslim community much later and partly because the seclusion of women was defended
leaders of the community more persistently The practice of polygamy however,
gistered a marked decline due to the prevalence of modern ideas and decline in material
osperity "[14] A progressive movement to improve women s educational opportunities began
develop from the last years of the 19th century under the leadership of a few individuals
ke the Begum of Bhopal, Sheikh Abdullah in Aligarh Justice Karamat Hussain in Lucknow
nd others a large number of books and journals appeared which carried enlightenment
o the newly educated Muslim women [15] Many reformers tried to revive widow remarriage
which had become strictly taboo among the respectable classes due perhaps to the prevailing
social ideas Criticism also started against the custom of denying to the daughters a share in
their fathers' property as a violation of the tenets of Islam Failure to eliminate seclusion,
however, defeated many of the aims of these reformers and the status of Muslim women still
remained far from one of equality in spite of these reform movements Among the urban
educated middle classes however, these ideas contributed to some change in the position
and treatment of women within the family

3 102 Similar movements to improve the position of women emerged among other communi
ties and different regions Behramji Malabar was the main spirit behind the age of
Consent Act of 1892 The depressed condition of women in all communities made it difficult
for them to fight for their own rights A few outstanding exceptions faced great opposition
from their communities Pandita Ramabai having incurred the wrath of the orthodox by
marrying out of caste, ultimately turned to Christianity to aid her campaign to improve the
conditions of women Dhan Korbai suffered great hardship for marrying after widowhood
Vidyagouri Neelakant faced bitter opposition to obtain education

3 103 The changes envisaged by these reformers were only partial They aimed to change the
position of women within the family and the domestic framework and did not foresee any radi
cal change in the social structure Education raising the age of marriage, widow remarriage,
the abolition of seclusion and rights to property were essentially attempts to improve the
woman's position within the family framework, and to ensure for her a degree of dignity
and independence None of these movements aimed to make the woman an equal partner
of man in the societal roles outside the family The movements were also limited in their
appeals, while the Brahmo Samaj and Prarthna Samaj appealed only to a limited section of
Western educated urban Indians the Arya Samaj Ramakrishna Mission and other reviva
list movements appealed to a wider group including the urban lower middle class The
general impact of all these movements has been most pronounced on the urban middle
class Some of the ideas projected by them, namely disapproval of child marriage and ill—
treatment of widows, education and better treatment of women within the family ensuring
to them a position of greater dignity, have become a part of the general cultural heritage
of this section of Indian society

3 104 Being elitist in character and limited in approach they have never tried a p ope
investigation of the problems that weighed on women outside the middle class Education
though valuable - could not reach the masses The universal oppression of all wome
however lay in their subordinate and subjugated position in society which [illegible]
treatment The removal of this called for a restructuring of the social order [illegible] whi
the reform movements by and large, did not aim for The two social ideas [illegible] rea
threatened the basic structure of Indian society during this period were women's [illegible]
and mass education Since the reform movements were not prepared to [illegible] themsel
with such extreme, radical ideas, their efforts to emancipate women [illegible] be
limited

3 105 It has to be remembered that the most towering personalities [illegible]
improving the lot of women came from individuals who were [illegible]

14 Majumdar R C — Op cit p
15 Novels of Moulvi Nazir Ahmad and two journals — Tahzib [illegible]

aspects of the reform movements. Iswar Chandra Vidyasagar and Jotiba Phule wanted to free Indian society not only from religious superstitions, but from the social inequalities that oppressed all the weaker sections, including women. It was however left to Mahatma Gandhi and, the Freedom Movement to place the movement for women's emancipation in its proper perspective, as a part of the larger movement for social transformation.

Descent, Marriage And Family

Descent systems :

3.106 Modes of descent, types of family organisation, and nature of the institution of marriage provide the major contours of the socio-cultural setting in which women are born, brought up, and live their lives. These features of social organisation are related to the economy in such a way that while their roots often appear to lie in the economic system, even large-scale changes in the latter are not able to carry along with them parallel changes in these areas. The lag between the two is a matter of serious concern. These institutions in the Indian society have implications for the status of women.

3.107 **Matrilineal Descent :** India has only a limited number of matrilineal communities which are concentrated in the south-western and the north-eastern regions of the country. Kerala has been the stronghold of matrilineal culture. The Nayars, the Tiyyars of North Kerala, and several temple servant castes, occupational castes, and some forest tribes have followed this mode of descent which governs group placement, property rights and successions of authority. Matriliny is found in parts of Karnataka and Tamil Nadu also. The legal systems of these communities have undergone drastic changes since the close of the last century. Muslims following matriliny are moplahs of northern parts of Kerala and the inhabitants of the Union Territory of Lakshadweep. The latter are classified as Scheduled Tribes. They have all along followed their customary laws for inheritance of matrilineal property and present an example of a rare kind of organisation which is characterised by absence of the institutionalization of the unit of husband, wife, and children as an independent entity or as one embedded in a larger entity, and which has struck a remarkable compromise with Islam. Of all the matrilineal systems in India, the one found in Lakshadweep islands is so far the least affected by the processes of change.

3.108 In the north-east, the matrilineal pattern is represented mainly by the Garo, the Khasi, and the Pnar in the States of Meghalaya and Assam. At least 44% of the Khasi and 30% of the Garo population is Christian, but adoption of a new religion has not drastically affected their patterns of kinship and marriage.

3.109 Since the last few decades of the nineteenth century, the matrilineal cultures in both the corners of the sub-continent have been exposed to processes of change brought about by introduction of market economy, opportunities for education and mobility, diversification of occupational structure, and changes in the legal framework. They have introduced differences in patterns of marital residence and composition of operative units, bases of economy, constituents of property, rules of inheritance, and authority structure.[1] Thus, the Nayars have functioned as an integral part of the larger caste system of Kerala and have mostly been landlords or non-cultivating tenants in the feudal system. The main occupation of men was military service while the women were home-bound. Cultivation was supervised by the elder among the males. Through hypergamous marriage, women were perhaps helpful in establishing favourable political connections for their own kin-groups. The traditional residential unit was groups of matrilineal kin in which the husbands were outsiders. Where, as among the Nayars and Tiyyars of North Kerala, the woman customarily went to live with the husband, she, and through her also her children, retained her right in the natal property. The Moplahs have been principally traders and have tended to accommodate the sons-in-law as resident members. The Khasis and the Garos have flourished in a hoe culture in which actual use of land and not absolute ownership has relevance. In the traditional land tenure system clans or matrilineages have commanded certain territories to be taken under cultivation by their members. Marital residence is predominantly uxorilocal in which the husband comes to live with the wife's people or in the wife's land.

3.110 Such differences notwithstanding, it is possible to view these matrilineal systems in relation to the status that they accord to their women. This is only to bring into relief the institutions and groupings based on patrilineal descent ideology which tends to view women

1. Schneider and Gough—*Matrilineal Kinship*; 1961 Dube, Leela—*Matriliny and Islam*; 1964 Kutty, A. K.—*Marriage and Kinship in an Islam Society*, 1972.

in a different way There is also another valid reason for their consideration It is the opinion of many scholars that matriliny was widespread in India in pre-Aryan days, on which the Aryan patriarchal culture was superimposed The ambivalence in attitudes to women, a manifestation of which may be seen in the low status of women in the same community ... ldess in various forms as a benevolent mother, a destroyer ... demanding attention and respect, is attributed to the

3 111 In a matrilineal system the line is continued through women, but power does not usually rest with women For this reason we should not confuse matrilineal systems with matriarchal systems In the matrilineal systems political power, including social control and decision making in matters of land and other property, rests with men, in matriarchy this power should rest in women Matriliny has been associated with such economic systems in which women are not really dependent on men and can manage most of the business of living themselves Men render some help, they engage in hunting, fishing, trading and warfare Simple agriculture, without the use of the plough, is suited to matriliny The Garos have taken to plough cultivation only in the last few decades The matrilineal communities in the southe-west—the landowning Nayars in particular—are an exception, for their women do not engage in any productive work but they still enjoy full property rights and serve as links for inheritance and succession

3 112 In matrilineal systems the woman is the perpetuator of the line Children owe to the mother their social placement and it is through the mother that they acquire their right in movable as well as immovable property, and men succeed to positions of authority. It may however, be noted that the status of a woman does not depend on her proved fertility As fertility is not subservient to the continuity of a male line, she does not have to prove her worth by giving birth to children or by producing children of one particular sex She is a full member of her matrilineal group and cannot be alienated from the natal group on marriage. Among the Khasis the youngest daughter gets the major share of the ancestral property, for she is responsible for ritual of the house, death rites, propitiation of ancestors, and care of the aged parents The Garo parents select one of the daughters to be the heiress The Nayar girls are co sharers of property with the male members

3 113 Among these groups there is no premium on the birth of a male child In fact among the Garos the birth of a daughter is more welcome for among them there prevails a feeling that a son is brought up only to work in the fields of his in—laws and not of his parents

3.114 Where there is a greater concern with the maintenance of group boundaries and the retention of the status of the group, we find greater constraints on women because of her biological function of childbearing For example, the Nayars living in the complex caste society would not allow their women to contract unions with men of groups lower than their own Proper paternity used to be ensured by men of the lineage by having a control over the marital unions of the women and by the requirement of the payment of delivery expenses by the father of the new-born. In contrast, in this respect there appears to be much less rigidity among the Khasis The children of informal unions with outsiders do not have a problem ... ions as compared to the ... bond between husband ... continued over genera- ... f the wife Among the Khasis and the Nayars, however, the maternal uncle or elder brother is the manager of ancestral property.

3 115 The degree of freedom of movement and operations is also directly related to the contribution of women to the economy. The Khasis, the Garos, and the Lakshadweep islanders stand in a better position compared to the Nay... *ties division of labour* between the sexes emphasizes ... A Khasi proverb says, "war and polit cs are for men, ... women". Modesty is a female virtue Muscular strength of men is recognised As noted ... of men Rulers, chiefs, and elders are all men. ... trilineal kin or in some cases husbands Only ... itaka women were entitled to headship In the ... Khasis, each generation sees the establishment ... hich the women can hold considerable initiative and authority

3.116 Women in matrilineal systems seem to fare better as members of kin groups and in dyadic (interpersonal) relationships. Husband's position vis-a-vis the wife is considerably different from that prevailing in the patrilineal systems. He is not her supporter, nor does she gain her status through him. She can, therefore, hold her own in this intimate relationship. She does not lose her children on divorce. The mother commands genuine respect from the son. Among the Nayars, the mother's curse is believed to be very powerful. Between brothers and sisters age is improtant for guiding their behaviour, but there is a feeling of awe and sacredness about the sister. The mother's brother is an authority figure, but on the whole, a woman is fairly secure in her natal home. Her rights give her a certain dignity; her consent is necessary for property transactions. She cannot, therefore, be ignored.

3.117 A comparative status evaluation of women in matrilineal communities with the help of indicators like economic power, religious responsibilities, degree of constraint at home and outside, and decisiveness and value of female roles shows that where a woman has an active role in the economy and besides subsistence, production also participates in handicrafts and marketing outside, and she enjoys better status and greater influence.

3.118 Matriliny is not a mirror image of patriliny. There is a certain inherent conflict in this system that authority is in male hands while group placement is in female hands. A husband is not incorporated in the wife's group; he is still needed in his mother's group for positions of authority and for taking decisions about the lineage land and other property. He is insecure because of minimum rights over his wife, hardly any rights over his children, and only right of use in the ancestral property. There is much suppression of fatherly inclination in a matrilineal system. It is based on the principle of the unity of matrikin and their collective control which cannot be sustained under the processes of change. With opportunities for education, new avenues of livelihood, and geographical mobility, a man can gain some control over his wife and children but this certainly disrupts the matrilineal system as such.

3.119 The disintegration of Nayar Taravads has come about because of political and economic changes and passing of new laws which changed the implications of marriage and conferred on individual members the right of demanding their shares. The Taravad still continues in its name which is used by its members for identification and in rituals. Within smaller kinship and domestic units, the matrilineal ideology still persists. The Nayar woman was homebound and did not contribute to the economy, but as a property holder and as a perpetuator of the line, she has enjoyed respect. The study of Taravads over generations tells us that Nayar girls used to receive education at home at the hands of a teacher. They are now taking advantage of educational opportunities offered to them. Old values and norms and their share in property help them to enjoy some status even in the new kind of family-husband, wife, and children which is becoming common because of diversifications of occupations and spatial mobility. However, to the detriment of women's status the Nayars have also moved towards Sanskritic rituals like those associated with marriage and are already settling marriages with the help of dowry.

Patrilineal Descent :

3.120 The overwhelming majority of the Indian population follow the patrilineal systems of descent. Though the influence of this system on institutions of family, marriage or the place and role of women vary between religions, regions, castes and socio-economicl levels, there are some common underlying principles and patterns.

3.121 Patriliny is used for the formation and continuation of discrete kin groups e.g. clans which are often based on putative kinship and lineages of different orders. These have an important role to play in occupation of territories, use and ownership of land and other economic resources, and political and religious organisation of a community. Innumerable tribal groups of India and caste groups like the Jat and the Rajput may be mentioned here. Even where there are no corporate kin groups with a depth of a number of generations, recognition of patriliny variously known as 'Vansha', 'Kula', Khandan' is most common. Patriliny is emphasized with the help of a common name, a common place of origin, ancestor worship, common deity and rituals, pollution observed on death of patrikin, and such other means. Family in India is embedded in this patrilineal setting for patriliny is used as the framework for family grouping, big or small.

3.122 This has direct relevance to the place of woman in society. A boy is the perpetuator of the patriline; he will continue the family name. By contrast, a girl is of no use in this

respect. Her contribution in this sphere will have to be made in some other house. "A bird of passage," "another's property", "a guest in parents' house", "a thing to be preserved for an outsider", or "a thing which has to be given away" are some of the common descriptions of a daughter. Such notions may be overtly expressed or covertly held. In the urban areas even those parents who do not think in this way are made aware of it on various occasions. Educated girls revolt against this notion, but most of them have to be reconciled to it.

3.123 This transferability of the girl from the parents' house to the husband's house is a poignant reality of Indian society Bida, Rukshat, and Doli signify a sorrowful goodbye to the daughter after her marriage. We would like to emphasize that this cannot be dismissed as a mere stereotype for it seriously affects the daughter's jural rights and her socialization and training There was no tradition of daughters having a right of inheritance from the father except among the Muslims. There is ample evidence to show that among the Muslims daughter's rights have been often ignored. This is true of tribal India also. An Angami Naga may give his daughter fields to use during her life time after which they have to be returned to the partrilineal kin A Mizo daughter gets her mother's weaving apparatus Such examples can be multiplied but they only indicate inferior rights of daughters. Besides her right of mainte... ...ht of being married off in an appropriate manner, ... right to be invited to the natal house periodically ... idual, contingent rights in her parental house she is ... seek support in the event of desertion, divorce and ... s only a moral right, which is being eroded through the process of socio-economic change. Many widowed and deserted women whom we met during our tours told us that they could expect support and shelter from their family only as long as their father was alive

3.124 The custom of retaining a daughter in the house by a son-less father by having a resident son-in-law, who should look after the property and would provide male progeny to be the rightful heirs of the maternal grandfather, does not alter the situation regarding daughters in general. Even today the provision of the daughter's share in her father's property in Hindu law is not fully implemented Many daughters give up their rights of their own accord or may not fight for it A common argument is that such insistence is likely to destroy the affection of brothers who at present feel morally bound to make appropriate contribution for her marriage and to give gifts to the sister and her children on various occasions such as festivals, weddings, child birth etc.

3.125 In the patrilineal and partrilocal kinship system, a son is looked upon as the father's ... and supporter of the parents in old age Sons are suppos- ... and prosperity A father believes that he will continue to ... All this imparts a special value to the son

3.126 A son is necessary for performing the prescribed rituals for his parents when they die and for the males in general. Even in domestic ... of a son. Although ritual considerations are less ... relative importance of the son has become generalize ...

3.127 A daughter cannot effectively take the place of a son. Her loyalties change at marriage. As a popular saying in Telugu puts it, "Bringing up a daughter is like manuring and watering a plant in someone else's courtyard", for her services and affections are to go to others. A daughter is an easy source of disrepute for the family, particularly before marriage and also after marriage for she is always referred to as the daughter of such and such a family. Since marriage of a daughter is a matter of anxiety and expenditure; daughters, or at any rate, many of them, are not welcome. People complain that daughters have to be educated as well as married off. This puts a double burden on parents.

3.128 According to our survey[2] 44 57% of the ... to the birth of a girl and a boy, whereas only ...

... ts twice as much at the birth of a son than ... first baby, the mother gets better gifts from

2 We issued a questionnaire to all states to assess the status of women. 8000 completed questionnaires were received of which about 3/4 were from women and 1/4 from men The report of the Survey is given in Appendix IV.

elders if the new born is a male. A first son, whether born as a first child or later, invariably gets a warm welcome. It is no wonder that while striving to get a son, a family may come to have a number of daughters.

3.129 Reaction to the birth of a particular girl depends on the socio-economic culture of the family and her place in the sibling group. The act of "giving away" a daughter is believed to earn special merit ; her contribution in terms of domestic work and affection is also valued. Without a daughter a household is not really complete. And yet it is often remarked that whereas a couple miss something if they do not have a daughter, they are also saved of much worry and trouble.

3.130 Discrimination between sexes in the allocation of scarce resources in various fields such as nutrition, medical care, and education is directly related to the greater desirability of the son and transferability of the daughter. In most families girls are taught to see that brothers get more and better food. This attitude is internalised by girls often without being conscious of it ; but a conscious effort is also made so that the girls inculcate the cultural norms which legitimise a differential treatment between girls and boys. In educated families we may not find so much of discrimination. Among tribal and other groups for whom a girl is an asset as a help in domestic and productive artivities and as a bringer of gifts and cash by way of bridewealth, such discrimination is somewhat less. But discrimination in giving modern education at all levels is certainly related to the distinction between the rules of male and female children. According to conventional thinking, parents cannot expect economic support from the daughter, once she is married. Many still considered it improper to accept such support, even if it were offered. While the process of economic and social change is driving many families out of this pattern of thinking, the resistance of the in-laws still prevents many daughters from giving such support to parents, even when it is needed.

3.131 In her husband's house also a woman does not acquire rights comparable to those of the male members. Though ceremonially welcomed there with symbolic expressions of her future role as a contributor of prosperity and fertility, she is an inferior partner, and has to make a place for herself by establishing a relationship with the husband's kin, by learning the traditions of the family, and by producing progency. The degree of incorporation expected of a woman in her husband's group differs in different communities and socio-economic levels.

3.132 Even in tribal and rural areas her rights to property are extremely limited. Men are the possessors and inheritors of land and its resources. In the cognitive map of the people the wife works on her husband's field and lives in her husbands house. Where divorce or separation are permitted she may have to leave if she does not satisfy and she may leave if she is not satisfied. Wife beating, still prevalent in our society, cannot be explained away only by the superior physical strength of the husband. The notion of the wife being a possession of the man is also responsible for it. Whether a widow has a right of usufruct on husband's land or whether she can inherit his land and other property, these rights are subject to her not remarrying. Children do not belong to the mother. In the event of divorce or separation small children may accompany the mother to be returned to the husband when they grow up. Even in those areas where woman's contribution to the economy is substantial and she has considerable leeway, the cultural notion that her role is only supportive has to be traced to patrilineal descent and patrilocal residence.

3.133 However, it is not the fact of patriliny by itself but its association with joint property, and joint family household and certain rules and patterns of marriage which lead to greater constraints over women and affect their position in an adverse way.

Family Organization :

3.134 Family in India largely exists in the framework of patrilineal descent, but differences in its form, function, and process are crucial to the position of women. A common image of the Indian patrilineal partrilocal family is that of three generational, commensal and coresidential group formed by close male patrikin with their wives and unmarried daughters. This group has a common budget, common residence, and common hearth. Joint landed property, a family business or family craft are conducive to this type of family as they require pooling of their skill, labour and resources.

3.135 In common parlance such a family has been described as "joint family". While the fundamental feature of a joint family according to Mitakshara law is a corporate group of co-

parceners i e patrilineally related males who have a joint rights to property for our purpose of examining the role and status of women, coresidence and commonalty and immediately identifiable characteristics of a joint family household Such a consideration would also accommodate family patterns of those areas which have followed Dayabhaga Law and of Muslims and other communities It would also accommodate families which hardly have anything by way of ancestral or immovable property but which may comprise more than one couple related through patrilineal links , [illegible]
or brothers and their wives and children [illegible]
the country, though its incidence is varri[illegible]
of break-up which differs across caste, c[illegible]
based on such factors as averge life expectancy, average age of effective marriage, average number of children born per couple, age of father at the birth of various children etc , and (c) on influence of education, spatial mobility and diversification of occupation.

3 136 The findings of anthropologists and sociologists about the familial patterns in India tell us that among the tribal groups of India, nuclear houehold is the most common and culturally approved form of domestic group It is common for sons to have separate hearths as they get married or as they come to have one or two children But the sons tend to have their houses close to their father's residence In terms of locality the marital residence is largely patri-virilocal viz where on marriage, a woman comes to live in the house or in the locality of her husband's father Moreover, at any point of time, there may be some family units of husband wife, and children with additional members like an aged parent of the husband of his unmarried brothers and sisters In some tribes like the Bhils in Rajasthan at least one of the sons is expected to live with parents Only a few tribal groups like the Tharu, the Rabha, and some Gonds have joint family living during the life-time of the father as the cultural norm We would thus like to conclude that by and large family organization among the Indian tribes does not impose as much constraint on the women as amongst non-tribal groups particularly the upper and middle strata Joint family living appears to be more characteristic of land owning and trading classes and of upper castes in general, though Brahmins are not at the top in this respect It is least characteristic of Scheduled Castes There are also regional differences, the Gangetic plains show higher incidence of joint families One significant finding is that although the majority of households are nuclear, majority of people may live in joint and supplemented nuclear families T[illegible] through
time There are [illegible] break-up
of the joint fami[illegible] e of joint
families at any point of time [3]

3 137 Indian patri-virilocal family has to be viewed in terms of its developmental cycle It develops into a joint family after the marriage of a son and coming of a daughter-in-law After the death of the father, brothers generally separate In the villages of Andhra Pradesh for example, sons are expected to stay together along with the parents till all of them are married, after which they tend to seperate, the parents generally choosing to live with one of the sons Thus, joint family is broken into one relatively smaller joint family houehold and perhaps a few simple households It is common to find an aged parent and dependent siblings living with a man and his wife and children The role configuration of such households is undoubtedly different from that of a simple family This type of household is found also in urban areas, though it is being subject to severe strains Lack of adequate housing facilities sometimes leads to a break up, or it may, contrarily, compel a family to remain joint Changing attitudes, aspirations and norms of different generations however, imposes a constant strain on joint families and often results in a break up Occupational mobility of individual members have contributed to this process, and break ups in such cases take place without any serious overt tensions in the family

3 138 An understanding of this family organisation entails recognition of degrees of jointness such as (a) jointness of property income or production and domestic grouping (b) jointness of property and income or production but not of domestic grouping and (c) jointness of property alone

3 139 Another feature of Indian family organisation is the recognition of a kind of oneness

---

[3] [illegible] Pauline 'Region, Caste and Family Struct-
[illegible] iety, 1968 Shah, A M, *Household Dimension*
[illegible] amir, *Leela Dubey-Sociology of Kinship and*
[illegible]

between the father's and the son's households, or between the brothers households. A son's family is in a sense an extention cf the father's family. In fact they are one 'family'. It is in this 'family' that the incoming wife has to be incorporated. There is always the contingency of younger siblings or aged parents of the man coming to live with his simple family household. Parents may divide their time between various sons. Vicinage and common business or property interests are conducive to the continuation of this sense of unity. Formal obligations towards relations by marriage and towards the daughters of the house are expected to be shared by this 'family'. Each generation experiences weakening of the ties between brothers, usually after the death of parents, and a growth of their own respective branches.

3.140 There is great emphasis on adjustability in the socializatin of girls. In their training for sex-linked roles, they are made aware that they are girls and constantly reminded of the pitfalls they must avoid and of the uncertainties they must face. In urban educated families, there may be little discrimination between boys and girls in regard to food, medical attention and even education, but notions about the appropriate spheres of men and women are implicit in the general distribution of household work and in the concessions and freedom of behaviour permitted to the boys. In middle class families girls receiving education does not undermine their femininity. Even for young boys and girls of urban areas socialized in the sixties and the seventies, the need for reallocation of work and resposibility within the family is not emphasized. In joint living discrimination tends to be more pronounced. Even where girls are exempted from onerous tasks and a rigid routine, it is often with an expression of the feeling that since they will have to do all this after marriage, they should at least have some comfort and freedom in the parent's house.

3.141 Very few women start their married life independently in a simple household. Even when the husband is working away from his parents, a girl 'enters' as daughter-in-law in the house of the parent-in.law or husband's elder brother. In the first few years of married life, her behaviour is to be governed by the norms of a subordinate and submissive role appropriate for a daughter-in-law. She has very little hand in any kind of decision making, and has to start her new life under severe restrictions. These are more onerous in certain regions and in the well-to-do and middle classes than in poorer sections. Norms of segregation and seclusion of women, marriage rules, degree of distinction between bridegivers and bride-takers, as well as the extent of contribution of the woman to family earning are responsible for these differences.

3.142 Among the Muslims the prevalence of marriages between close kin, including children of two brothers, does not allow a sharp distinction between bridegivers and bride-takers, and where such marriages have taken place, rules of avoidance between a woman and her husband's kin may not be as rigid as among the Hindus of North India. But by and large similar rules of avoidance operate in Muslim families of particular regions and socio-economic levels.[4] A distinct notion about women's subordinate role, general segregation and seclusion of women, and conception of patrilineal and patrilocal family have their effect on the status of the Muslim women in general.

3.143 In the authority pattern of a joint family the daughter-in-law is directly subordinate to the mother-in-law. According to a Telugu proverb, 'good and bad scorpions both have their sting : the difference is that one uses it more than the other'[5]. A woman is at the peak of her life when her daughters-in-law are young and her husband is an active provider. It is only gradually that a daughter-in-law's position in her husband's family improves. In the words of Mandelbaum, "A young wife, of any Jati or region, usually has the lowest status in the family and is given the more onerous chores. Whatever goes away, she is apt to be called the culprit. Whenever the finger of blame is pointed, it somehow swings to her.[6]"

3.144 With a long standing in their husband's family and as mothers, old and experienced women in the middle classes enjoy considerable authority and respect in the family and have a say in the decision making. They may even be consulted by men in matters of land, property and business.

4. "Even when a liberal family observes the rules of conduct less strictly and does not require the new daughter-in-law to cover her face, a perceptive observer can recognise the persistence of the custom if only from the young wives' traditionally silent and reserved behaviour" (Cora Vreede—De Steers *Parda* p. 31). The same point has been brought out by Shibani Ray in her doctoral dissertation on *Parda* submitted to Delhi University.

5. Dube, S.C. (1955). *Indian Village*, London, Routledge and Kegan Paul p. 155

6. Mandelbaum, David A. (1970) *Society in India : Continuity and Change* II Vols. Berkeley and Los Angeles : University of California Press p. 86.

5 Our survey however reveals that the women members of the family as a whole have a rginal role to play in decision making The only decision in which the woman takes an ve part is in buying the foodstuffs Male dominance in decision making is more pronoun- l in rural areas and among lower caste groups

146 Decisions such as those about educational career to be pursued, about jobs and arriage, are collectively taken by the family, as revealed by low percentage of respondents aying that the children take these decisions himself/herself' (Table II 7) A higher percen age of respondents said that the 'sons' take their own decisions about the job they want to ake and educational career Though the overall percentage of female participation in such family decisions is lower it is slightly higher for decisions affecting the daughters whereas the male members of the family were instrumental in deciding about the sons On these issues again the major part in decision making is that of the male members Decisions about marriage of sons and daughters are mostly collective in nature

3 147 A woman's authority is reflected directly in her control over the daughter in law, but it would be a mistake to view the position of a mother in law as indicative of the status of women in general For, the same woman s status may decline with old age, widowhood and with the daughter in law's coming into importance as mother and as the wife of the principal provider

3 148 Besides her kinship status a woman's status in the family is also influenced by her husband s social position and his contribution to the family economy Thus, her own efforts themselves may often not be able to bring her status In middle and upper classes the nount of dowry a daughter in law has brought and the gifts that her parents send also ontribute to her status in the family with greater diversification of occupations in urban reas, the husband's status become more relevant for the woman's status

3 149 With the authority of the mother in law or elder sister in law, little contact with the husband, and a general expectation of subordination, a woman's position in a joint family can be miserable In this social milieu, it is difficult for a woman to evoke a balanced relationship with the husband and have a role in decision making Many of the critical decisions of her life remain beyond her control, such as planning one s family, further training or education, taking up or continuing a job

3 150 Our survey attempted to obtain first hand data on the observance of rules of avoidance with the husband s kin by asking whether purdah was observed in the presence of the father in law, mother in law, husband s elder brother and husband s elder sister The finding reveal that in the presence of the father in law purdah is observed in the case of 44 04% Sikhs 40% Muslims 39 19% Jains and 32 08% Hindus Distribution by States reveals that suc avoidance is highest in the Northern States in the following order Haryana (72 61% Rajasthan (62 18%), Delhi (60 78%) Himachal Pradesh (51 19%), Uttar Pradesh M Gujarat follow Manipur also has a high incidence of avoidance Figures for purdah the presence of father in law are as follows Kerala (4 29%) Tamil Nadu (4 93%) Mys (5 44%) and Andhra Pradesh (9 40%) Maharashtra has a little higher incidence In C purdah is wholly absent Obviously this is a cultural difference, and indicates a major a of constraints for women in North India [7]

3 151 A simple family allows a greater scope for a woman to have less restricted roles greater part in management and policy decisions As has often been pointed out, in a si family a woman is subordinate to no other woman The husband is dependent upon h running the house rearing of children and management of social relations Depend the personalities of the couple and personal equation a woman can truly be the mist the house If she is educated and enlightened, she acquires a personality and a dignity own

3 152 Thus situated a woman has much greater initiative to have sustained conta her own kin, not only as prescribed by custom (and mainly on formal occasions) b basis of equality in which both mother as well as father are equally relevant for r kinship ties It has been found that those away from the patrilocal village and urban areas have greater freedom to choose their contacts

3 153 Absence of large scale joint family greater freedom of association and move economic contribution of both husband and wife towards living a woman gets a be

7 Appendix

in the family. This is largely true of small scale agriculturists and artisans, but it is the women of the lowest category who seem to be more equal to their husbands—"......in certain senses women whose fortune it was to be poor enjoyed higher status than those who were rich".[8] Participation in extra-domestic economic activities does not give these women status in the larger context because the work they do is of low prestige.

Marriage :

3.154 Many problems of major importance for women are linked with marriage. Various issues like age at marriage, procedures for contacting and executing marriage, customs of dowry and bride wealth, patterns of presentations between the wife's and the husband's kin groups, multiplicity of spouses, divorce and separation, widowhood, and remarriage are vitally relevant for assessing women's status.

3.155 In a patrilineal society, marriage signifies a transfer of the woman from her natal group to her husband's group. This is associated also with the notions of male superiority and secondary importance of the female in the continuity of the line. The 'seed', people believe, is more important than the 'field'. Concern with paternity tends to become stronger in a patrilineal system, and paternity can be approximately assured only by controlling women's sexuality. Another way adopted by some tribal groups is to establish definite rules for assigning the children born to an unmarried girl.

3.156 By and large insistence on low age of marriage for girls is related to avoidance of unclaimed progency. Notions of vulnerable purity of women, value of virginity for girls at marriage, and a clear differentiation between primary marriage and secondary marriage for women, in castes which have the institutions of divorce and remarriage also follow from this. Widespread prevalence of child marriages in the country has its roots in this feature of human biology coupled to a concern for ascertaining paternity. The custom of mock marriage, in which a girl is ritually married to some object like a spear, an arrow, a pestle or Mahua tree, before she attains puberty also reflects the group's concern for the purity of women.

3.157 Existence of caste in Hindu society which traditionally limits marriage contacts within certain groups, rules against marrying within gotra, clan and lineage, regulations about not marrying certain types of close blood relations, and customs which enjoin or indicate reference for marriage between certain types of relatives or groups, make arranged marriage the most desirable form of marriage. Among Muslims and other religious groups also there are either certain socio-economic categories or groups and sections within which marriage is restricted. Where inter group marriages are approved, they are mostly on hypergamous basis, daughters being accepted from lower groups.[9] The concept of purity of blood among Muslims seems to be responsible for preference for marriage between close relatives, particularly between children of siblings and for exchange marriages. Many Muslim groups in North and Western India, consider marriage between the children of two brothers as most desirable. A common explanation for this preference is offered in terms of the desire to keep the property within the family since, according to Islamic law, girl is also entitled to a share in her parental property.

3.158 In the south there has been a preference for marriage of a girl with her father's sister's son, and less generally with her mother's brother's son or with her mother's younger brother. Some castes practise direct exchange also. In the matrilineal communities marriage with mother's brother who belongs to the same lineage as the sister's daughter is unthinkable.

3.159 Marriage cannot be left to the young if these restrictions and preferences are to work. The institution of arranged marriage thus fits well with the social structure. Only in subsequent marriages one's own choice can be exercised.

3.160 In urban areas there is a trend towards ignoring for the sake of marital relations, the differences between caste groups which belong to the same generic category or are closely situated in hierarchical grading. Education, travel and liberalization of ideas have contributed to this trend. In the salaried sections economic considerations and status also play an important part in ignoring these distinctions.

3.161 Patterns of selection of marriage partner have become varied, particularly in urban areas. Between one's own choice at one end and the selection by parents without any consul-

8. Barbara Ward (ed) (1964) *Women in the New Asia*. UNESCO. p. 78.

9. For example such hypergamous patterns have been noticed in Kerala and Gujarat both of which have hierarchically graded groups of Muslims.

tation with the marriageable son/daughter at the other end we find self choice with parent's consent and parent s choice but with the approval of the marrying parties Another intermediate pattern is one in which boy s wishes are given weight but it is not considered necessary to consult the girl with any seriousness The position in which the elders alone decide is more prevalent among those who have little or no education

3 162 However, the young who want to take their own decision in this area of life are not many Respect for parents and desire to avoid uncertainties are behind this attitude In many surveys of the attitude of college girls towards marriage an interesting combination of approval of greater mixing between boys and girls and preference for arranged marriages under parental guidance has been revealed [10]

3 163 The studies made in the pre independence phase and those made in the post independence period highlight certain interesting points in selection of partners Merchant who had made his study when romanticism was emerging in the young boys and girls found that 79 2% of his respondents opted for self choice of the partner This romantic approach to marriage does not last long and in G B Desai s period i e 1945 more respondents (68 2%) favour marriages arranged by parents Perhaps in absence of any opportunity for free mixing the younger generation might be finding it very difficult to make independent choice and hence basks under parental security It is for this reason that we find Raj Mohini s Kaker s and Ramanamma s data indicate younger generation in favour of arranged marriages The major change noticeable is that with the impact of urbanisation and education individuals would l ke themselves to be consulted before the match is finalised [11]

3 164 Another aspect of arranged marriage is the humiliation that a girl has to face when she is obliged to present herself repeatedly before marriageable boys and their relations and friends In a few sophisticated families the two parties may be treated on an equal footing But in the middle class famil es by and nter caste marriages today are not common freedom movement which also included a rejection of social taboos propagated inter caste as well as inter rel gious marriages At that stage such marriages were regarded as not only progressive but also as patriotic But the momentum of this ideology seems to have receded in the years since independence

3 165 In a study done in 1969[12], only 24 out of 1036 i e 2 31% women had been married in castes other than their own In the surve in 569 villages during the 1961 Census have been reported to be across castes Hindu and only 0 01 among the Muslim that 60% of respondents did not approve of inter caste marriages [14]

3 166 In the actual rituals and ceremonies of marriage the unequal status of man and woman becomes apparent In a Christian marriage the bride has to be ceremonially given over to the bridegroom and the bride is exhorted to promise that she will love and obey her husband In a Muslim marriage the parties to the contract are in a sense the husband and the bride s wali though with her formal consent In many parts of India a Muslim bride duly decorated and sitting with a modest demeanour, is actually lifted by the bridegroom and put in the vehicle which is to carry her to his home

3 167 Like language forms rituals and ceremonies not only reflect the unequal treatment accorded to the sexes in a social system but by repet tion emphasize and perpetuate the sam

10 Madan T N *Status of Hindu Women in the Family and Household* (Paper prepared for the Committee)

11 Desa Nee a A *Survey Report on Roles and Attitudes to Women* (Paper prepared for the Comm ttee)

12 Hate Chandrakala *Chang g Status of Women in post Independence Ind a* 1969 p 41

13 C G Jadha and N K Banerjee Customary Laws Regard ng Marriage in Different Parts of Ind a (prepared for the Comm ittee)

14 Raj Mohini *Att tudes of Educated and Working Women about the Posit on of Women in Modernising Soc eties of Ind a and Turkey* A case study of Chand garh and Ankara (1972 unpublished Ph D Thesis)

3.168 The rites of Hindu marriage stress male primacy and superiority. Kanyadan is a gift of the virgin daughter for purposes of Dharma, Artha and Kama. The parties to the transaction are father of the girl (accompanied by his wife) who is the giver and the bridegroom who is the receiver. When the bridegroom accepts the bride he tells her that union with him is bringing her prosperity, cultivation, and auspiciousness. In fact marriage is the first major Sanskara for a Hindu woman. Promises made by the two during the rites like circumambulation of fire, walking seven steps, or the brides changing over from the right to the left side of the groom are also worth noting. While emphasizing life, friendship and partnership for the two, they exhort the bride to follow the husband, to act according to his wishes,[15] to remain steadfast in the loyalty and love. The bridegroom promises to protect and support the bride. He asks her to serve the elders of his family, be affectionate to the young, and not to be lazy. There is a special significance of the rite of showing the polar star (or Sun or Atar of Arundhoti) to the bride and of making her stand on a stone. She is to be steadfast like a stone and the polar star, not deviating from the right path and be calm and ready to suffer in silence.[16]

3.169 The basic rituals of Hindu marriage are not confined to the so called twice born castes but are enacted with some variation among other castes also. The process of acculturation has resulted in the lower groups inviting the Brahmin priest who recites the "mantras" and helps his clients to enact the Sanskritic rituals. The lowest groups in the Hindu hierarchy, who operate without a Brahmin priest and also very many tribes, are seen to imitate some of these rituals—*Kanyadan* being the most popular among them. It is perfectly congruent with their notion of transfer of the bride.

3.170 While it is true that kanyadan relegates the status of the woman, in accepting the bride, the bridegroom has to make the following promise to the bride's father-Dharme arthe Ca kame Ca naticarami (i.e. I will not transgress in the attainment of duty, wealth and desire). There is also no doubt that the bride is given a warm welcome in the husband's house and is referred to as Laxmi (Goddess of prosperity). Her future role as home-maker is associated with great prestige. She is the one who will give him progeny to continue the line, to free himself of his debt to ancestors, and to support him in old age. However, a close examination reveals that the rites of Hindu marriage stress male primacy and superiority. It is worth noting that the Brahmo Samaj had made special efforts to rationalise the ceremony of marriage and to drop those rites which perpetuated low status of women; the content analysis of Bengali and Marathi magazines and newspapers[17] in the thirties and the forties of the present century show that there were strong reactions against these rites and "mantras" in some regional languages like Marathi and Bengali.

3.171 One important aspect of marital alliance in Hindu society, except in some parts of South India, is the unequal status of bridegivers and bridetakers. Just as woman is inferior to man, and bride is inferior to bridegroom, bridegivers are inferior to bridetakers. The son-in-law and his kind are to be respected. Marriage automatically establishes the lower status of the bridegivers. This distinction between bridegivers and bridetakers is far more pronounced in the Northern States, but it is also very much there in Central and Western India. In the South, because of common patterns of marriage among close kin which involves direct exchange or delayed exchange,[18] systematic differences in the status of givers and takers do not emerge. In the context of a particular marriage because of the symmetrical relation between husband and wife slight distinction of status between wife's kin and husband's kin may be there; this is particularly so among the Brahmins with their emphasis on Sanskritic rituals. But the overall pattern creates an ethos of near-equality between bride-givers and bridetakers.[19] Marriages in the South tend to be contracted within a limited group and thus the girl is not thrown in with strangers. There is a regular to and fro movement and contact between the wife's family and the husband's family so that the girl is not left along to face a hostile environment.[20] Rules of behaviour are not as stringent for a daughter-in-law as they are

15. The terms used are sahagamini, Anugamini and Ardhangini

16. These verses and rites are explained in : Pandey, R. B. —*Hindu Samskaras* and Altekar, A. S. op. cit.

17. Undertaken for the Committee by Tanika Sarkar and Sudha Gogate.

18. In maternal uncle-niece marriage and brother's son-sister's daughter marriage, the group which had received a girl in the earlier generation gives a girl in the next generation.

19. Genetically viewed the custom of close kin marriages of South India may not be desirable but the kinship system it produces is certainly less harsh on women.

20. Kinship terminology in the South also does not allow sharp distinction between bride-givers and bride-takers.

in the North where the contrasting norms of behaviour for the daughter and the daug
law tend to make the life of a woman alternate between freedom and restr ctions,
harsh and soft treatment, and certain does not allow her to become a person She h
but no personality. It is well-known that in Western U P , where marriages are a
outside the village, daughters-in-law were not sent to the literacy classes while the da
were allowed to join. In Begusarai in Bihar the Committee members found that da
of the village could go in groups for election campaigning but the daughters-in law
not permitted to do so.

3 172 The distinction between bride-givers and bridetakers is made harsher by the p
of unilateral gift-giving The son in law, and his parents are entitled to receive gifts
the girl's parents on different occasions but the latter are not even supposed to accept
food at the son-in-law's house Common people in the North observe this rule str
These differential norms of behaviour are likely to be more pronounced in rural areas w
the village is a kind of in-law village, or parental village, and particularly in such castes
communities whose women do not work outside the home These norms of behavio
operate in urban areas also It is not uncommon to encounter a girl in her parents ho
in a modern outfit and the same girl in her in-law's house in traditional clothes, partia
veiled

3 173 Practice of hypergamy, i e marriage between man of higher and woman of lowe
groups, brings down the position of women Within a caste, groups are ranked as of relativel
high or low status Practice of hypergamy is found among such groups as the Rajput and
the Jat of North India, Anavil Brahmin and Patidar of Gujarat, Maithil Brahmin of Bihar, and
among the Kanyakubj Brahmin and Sarayupari Brahmin to some extent In hypergamy
clans and lineages are of unequal status, gotra and families among the Brahmin may also be
of unequal status As women in hypergamous marriage are treated as of inferior status,
their incorporation in the husband's family is a painful process Female infanticide among
the Jat and the Rajput was partly a consequence of hypergamy, for the girls of the highest
groups had very little choice for marriage as boys of these groups could marry lower down
Dowry is generally high in hypergamous communities

3 174 *Polygamy* Both the variants of polygamy, viz polygyny (plurality of wives) and
polyandry (plurality of husbands) are found in India [21]

3.175 Polyandry is confined to tribes like the Toda in the Nilgiri, groups like the Khasa in
the Jaunsar Bawar area of U P and the people of Kinnaur and Lahul and Spiti in Himachal
Pradesh Some of these, like the Khasa, belong to the Hindu fold and are divided into
castes But today all these polyandrous groups of the Himalayan region are declared as
Scheduled Tribes, and hence do not come under the limitations imposed by Hindu Law
regarding monogamy. They practise fraternal polyandry This group is numerically insig-
nificant But among the higher castes of Jaunsar-Bawar there is now a tendency of taking
as many wives as there are brothers but there appears to have grown a vested interest in
polyandry, particularly since they have been declared as a Scheduled Tribes with all its
privileges. However from the point of view of women's status it is worth noting that these
are patrilineal and patrilocal groups and a woman has absolutely no right over her children
and property. Polyandry in the patrilineal setting far from being a privilege, is an obligation
for a woman to allow sexual access to the rightful share

3.176 Social reaction against polygyny as an indignity offensive to the status of women was
one of the most marked features of the 19th Century Reform Movement While the
acceptance of monogamy as a necessary principle for civilized living became widely prevalent
among the educated classes, there was a difference of opinion regarding the action necessary
or eradication of this practice. While leaders like Iswar Chandra Vidya Sagar and the
rahmo Samaj and Christian Missionaries wanted legislative action to prohibit the practice,
hers believed that it would die a natural death with the spread of education Partly as a
ult of this social reaction and partly due to 'declining material prosperity', among the
sses which had earlier practised polygyny, the prevalence of this practice declined consi-
ably over the last hundred years.[22] The demand for legislative action against polygyny

21 In popular usage the term polygamy refers to plurality of wives only Elsewhere we have used it in
opular sense

22. This was noted by the District Gazetteers in the ealier years of the 20th Century. O' Malley in
istrict Gazetteer of Howrah, 1919 reported that polygyny has practically disappeared, 'chiefly from the
re of publi. opinion'. See also Majumdar, R C. —*British Paramountcy and Indian Renaissance*—
r IV

gained momentum under the influence of Gandhiji and made women's organisations increasingly vocal, resulting in legislative measures in different provinces and in the princely States even in the pre-independence period[23]. The Hindu Marriage Act introduced the principle of monogamy in 1955. As already mentioned, it is only in Muslim Law that plurality of wives is still permitted.

3.177 A study undertaken by the Census of India in 1961,[24] however, found polygyny to be still prevalent among most communities to a certain extent, though its incidence had declined

Incidence of Polygynous Marriages among Tribals

State	*1931–40*			*1941–50*			*1951–60*		
	Total	*No.*	*Percentage*	*Total*	*No.*	*Percentage*	*Total*	*No.*	*Percentage*
Orissa	22	3	13.64	16	2	12.50	59	7	11.86
Arunachal Pradesh	324	30	9.36	463	82	17.71	664	123	18.52
Total	346	33	9.53	479	84	17.53	723	130	17.98

Source : Census of India 1961 (Incidence of Polygynous Marriages in India)

Incidence of Polygynous Marriages among Hindus

State	*1931–40*			*1941–50*			*1951–60*		
	Total	*No.*	*Percentage*	*Total*	*No.*	*Percentage*	*Total*	*No.*	*Percentage*
Gujarat	810	21	2.59	1089	36	3.31	1340	15	1.11
Jammu & Kashmir	165	11	6.67	257	11	4.28	365	15	4.11
Madhya Pradesh	652	49	7.52	1021	83	8.13	1313	62	4.72
Madras	3134	225	7.18	4188	383	9.15	5571	380	6.82
Maharashtra	1043	83	7.96	1725	144	8.35	1899	179	9.43
Mysore	4619	272	5.89	6686	368	5.50	8369	298	3.57
Orissa	356	14	3.93	536	26	4.85	630	26	4.13
Rajasthan	558	18	3.23	834	33	3.96	1086	41	3.78
Uttar Pradesh	882	23	2.61	1233	24	1.95	1363	11	0.81
Delhi	16	2	12.50	17	1	5.85	15	3	20.00
Himachal Pradesh	1062	202	19.02	1525	289	18 95	1635	191	11.68
LM&A Islands	–	–	–	1	–	–	1	–	–
Manipur	92	2	2.17	137	9	6.57	169	3	1.78
Pondicherry	189	18	9.52	231	14	6.06	296	12	4.05
Tripura	352	7	1.89	519	10	1.93	548	9	1.64
Arunachal Pradesh	14	—	—	45	4	6.89	50	4	8.00
Total	13944	947	6.79	20044	1435	7.15	24659	1249	5.06

Source : Census of India 1961 (Incidence of Polygynous Marriages in India)

23. Baroda Government passed an Act in 1942 followed by Bombay 1946 Madras 1947, Saurashtra 1954. Vide Chapter IV—Para 4.31 Foot note 34.
24. *Incidence of Polygynous Marriage in India* - Census of India 1961 (Mimeographed).

Incidence of Polygynous Marriages among Muslims

State	1931-40			1941-50			1951		
	Total	No	Percentage	Total	No	Percentage	Total	No	Pe- ta
Gujarat	153	12	7 84	172	17	9 34	273	16	5
Himachal Pradesh	14	2	14 29	23	2	8 70	24	1	4
Jammu & Kashmir	639	55	8 61	1012	69	6 82	967	43	4 .
Madhya Pradesh	16	2	12 50	20	1	5 00	36	2	5 4
Madras	191	11	5 75	242	16	6 61	286	9	3 14
Maharashtra	15	–	–	29	2	6 90	36	–	–
Mysore	651	23	3 53	962	48	4 99	1125	42	3 73
Uttar Pradesh	198	10	5 05	325	19	5 84	367	14	3 81
Rajasthan	55	1	2 00	63	4	6 35	78	4	5 13
Delhi	18	1	5 56	38	2	5 26	49	–	–
LM&A Islands	368	41	11 14	613	53	8 65	775	37	4 77
Tripura	122	20	16 39	201	29	14 43	208	14	6 73
Total	2440	178	7 29	3710	262	7 06	4224	182	4 31

Source Census of India 1961 (Incidence of Polygynous Marriages in India)

over the decades The survey was based on a total sample of nearly 1 lakh marriages 5,911 marriages in the sample were found to be polygynous If the time when these marriages had taken place is ignored, then the incidence was found to be the highest among the tribal communities (15 25%), Buddhists 7 97%, Jains 6 72%, Hindus 5 8%, and Muslims 5 7% As, however, the marriages covered were not selected on randam sampling basis the Census authorities observed that it would be risky to draw any quantitative generalisation from this data "But at the same time, it has to be kept in view that the size of the sample is fairly large and hence until more valid quantitative data are available, one would be justified to question the validity of the prevailing notions in this matter" The most nteresting finding of the Survey was regarding the trend of change in incidence According o the data, the highest incidence, (7 15%) in the Hindu Community was found for marriages erformed between 1941 to 1950, after which it declined to 5 06% in 1951-60 and the equency declined steadily Among Muslims, the highest incidence was found between 931-40 (7 29%), after which it declined steadily coming to 4 31% in 1951-60 Among the ins the highest incidence was recorded between 1911 and 20 As for Buddhists, the hest incidence (10 93%) is recorded between 1931-40 (13 63%) Incidence during 1951-60 s 8 13%. Amongst the tribal community, however, the trend has been markedly different lowest incidence 0 68% was between 1921-30 and the highest 17 98% during 1951-60

8 Most tribal groups in India permit polygyny. Those not permitting it are very few, of them either follow matriliny or recognise both the mother's and the father's line most important culturally accepted motivations for polygyny are barrenness of the wife, omic advantages accruing from plural marriages, and gain in prestige Entanglements nating in bringing another wife are also accepted by the society Tribal groups like ul in Rajasthan, the Bagata, the Raj Gond, and the Birdugond, see economic advantage ygny in two ways Wives can contribute to the agricultural and other economic es by their own labour and by producing sons who would supply the needed labour king in the fields, tending cattle, and building houses In a patrilineal setting where d other economic resources belong to the men and where women's contribution to omy is substantial, this can prove to be a strong incentive Another incentive is that ge Where bride price is high, it needs resources to obtain more than on an

having more wives adds to one's prestige. Chiefs, village headmen, and such other important men like to have more than one wife. During our tour of Arunachal Pradesh, we were informed by many persons that polygyny was mainly practised by Chiefs or the headman. We heard the same in Nagaland. It is interesting to note that such marriages among Christian Nagas still receive customary sanction though they would not be performed by the Church.

3.179 Even though a society permits polygyny, it is only a few people who can take advantage of it, and it is seen that only men of some means and power can avail of it. In many tribes the fear that the coming of a second wife would lead to clashes and the first wife may leave and go to some other man, acts as a deterrent. A temporary phase of polygyny is also not uncommon.

3.180 Among the social reasons, the most important are barrenness of the wife, her prolonged sickness and the absence of a son. In some communities, the custom of marrying one's elder brother's widow, sometimes results in polygyny. Another social reason, which has become increasingly important in recent years, is the cultural and communication gap that often results when the wife is illiterate or uneducated and the husband receives modern education. Most of these cases result from child marriages. With the changing aspiration pattern of social needs of the educated husband, they find their first wife a social handicap and turn in many cases to a second marriage. Many of them do this not without serious misgivings. In some of these cases their offers of divorce to the first wife are rejected by the latter, who find themselves unable to face the consequences of a divorce, because, the status of a deserted wife is better than that of a divorcee. Marriage status gives them certain rights in their in-laws home which would be denied to them if they were divorced. In most of these cases their reluctance to divorce lies in their social and economic dependence and absence of the necessary equipment for earning. Resistance of their family may also be an added reason for their preparedness to put up with the indignity and unhappiness rather than seeking a divorce.

3.181 An important motivation of polygyny. however, is economic gain. Where women are not a burden but are self-supporting and contribute substantially to the productive activity like cultivation and handicraft, they are real assets and a man can gain by having more than one wife. (Its long term implication that more hands will be available for work also has its temptations for some). Thus polygyny in Manipur clearly indicates that sometimes women's worth as productive workers may be a hindrance for their unopposed status in the family. Economic motivation for polygyny also operates among artisan groups, both Muslim as well as Hindu. Religious allowance for a man to marry as many as four wives at a time proves useful for the Muslim inhabitants of a district in Karnatak engaged in lacquer work, for what they gain by having extra hands to work is much more than what they have to spend on their keep. This certainly is a form of exploitation of women.

3.182 While the Census study indicates that the incidence of polygyny among Muslims is not as high as it is belived to be, there is no doubt that the prevalence of legal sanction for polygyny caused widespread resentment among the women of this community. During our tours, we met many groups of Muslim women in different parts of the country, who expressed their unhappiness and resentment at the continuation of this situation. We met many, who have been abandoned by their husbands as a consequence of a second marriage. Many others have to acquiesce in the second marriage because of their economic dependence. They also expressed a view that a protest against this institution from them had invariably resulted in acute oppression against which they obtained no protection from society. While it is a fact that changes in the law alone cannot eradicate the prevalence of this practice, it is our view that continuing sanction by the law in a way perpetuates it. The role of law in such social matters in this country has usually been to act as a norm setter in order to arouse the public conscience. We cannot appreciate the denial of similar support to Muslim women in their struggle against this social custom.

3.183 Even though it is nearly 20 years since the law was passed banning polygyny for Hindus and making it a criminal offence, we regret to admit that the practice has not been eradicated altogether.* Apart from the findings of the Census Study in 1961, the Committee

* One of the reasons for the continued prevalence of this practice is the flexibility permitted in customary forms of marriage. Such as 'Natra' in U.P., Rajasthan and parts of M.P. and Gujarat, and "Reet" in Himachal Pradesh.

during its tours heard large number of complaints from women that their husbands had married again Their lack of knowledge about their legal rights and social acceptance of the situation make the position of these women deplorable In Andhra Pradesh the Committee was told about the prevalent practice of wives being compelled to sign a document giving their permission to the re marriage to their husbands Dependence on their husbands, both socially and economically and inadequate social condemnation of the men's action are the causes of the wives acquiesance Most of them believe that signing such a document deprives them of their legal right of redress Education economic independence and fuller knowledge of their legal rights can ultimately free society from the stranglehold of these traditions We feel strongly that women s voluntary agencies should launch a campaign against this type of marriage by ostracising the men who commit bigamy and by mobilising public opinion particularly among women to resist this practice

Bride price and Dowry

3 184 Bride Price Solemnization of marriage is a social occasion In the Indian setting it signifies the creation of a bond between two individuals and also between their families It involves with a few exceptions the transfer of the wife to the husband s family Two major types of transfers of material wealth accompany marriage in one the wealth travels in the opposite direction of the bride and in another it travels along with the bride in the same direction The former is bride price the latter is dowry They need to be considered as components of marriage because of their implication for the status of women

3 185 The patrilineal tribal groups of the Indian subcontinent customarily pay bride price[25] The form and amount of bride price vary from region to region and from tribe to tribe Some pay only cash others make the payment in kind and still others pay the bride price in both cash and kind The second category i e payment in kind includes a wide range of subjects such as clothes and ornaments tools and implements, liquor and grains and cattle and goats The Uraon of Chotanagpur take sets of clothes for the bride s relatives, while [illegible] also in Arunachal Pradesh where [illegible] askets of paddy and an indigen [illegible] to six sarees and three goats as brid price Bargaining for bride price is common A survey of recent information indicates that in many tribes bride price has increased manifold The following table[26] will give some idea of the trend

Name of Tribe	*Traditional bride price (in rupees)*	*Present bride price (in rupees)*
Irular (Tamil Nadu)	0 25	100
Sounti (Orissa)	3 00	40
Mahali (Orissa)	5 00	80
Mullukurumbe (Kerala)	5 50	100 onwards
Mal Paharia (Bihar)	12 00	20 50
Kurumba (Karnataka)	32 00 80 00	200 210
Binjhal (orissa)	60 100	400
Bhil (Rajasthan)	60 100, 120	300 1000
Panchcha Maleyelee (Tamil Nadu)	10 50	100 00

3 186 Many castes on the lower rungs of the hierarchy and some on the middle rungs also have a tradition of bride price As they come under the influence of Sanskritic values they tend to give up their custom and adopt instead the custom of dowry

25 All the 116 tribal groups covered by village survey monographs in 1961 Census operations pay bride price Jadhav C G and Bannerjee A K prepared the table for the Committee on the Status of Women in India

26 *Tribal Marriage Institutions in India Paper prepared for the Committee*

Some Tribes and Castes paying bride-price

Zone	*Scheduled Tribes*	*Scheduled Castes*	*Non-Scheduled Caste Hindus*
Southern	29	36	49
Eastern	45	7	2
Northern	3	9	9
Western	34	5	5
Central	5	2	—
	116	59	65

3.187 Analytically speaking, payment in cash and kind to the bride's father by the bridegroom's father is made in exchange for the authority over the bride which passes from her kin group to the bridegroom's kin group, The idea of compensation for the loss of a productive worker is also implicit in it. This lends some status to a daughter. The data show that so far as the girl's status in her natal group is concerned, in the communities which follow the custom of bride-price, a daughter is not regarded as a burden, and parents do not have to dread the time when she will have to be married. At her departure a daughter is likely to bring some material wealth. Birth of a daughter is, therefore, not regarded as some kind of a calamity. However, there is a flavour of buying a wife in the transactian of bride-price. The fact that wealth has been spent to bring her home is not easily forgotten. When a woman leaves her husband and goes to another man, in the settlement of the amount of compensation to be paid by the latter, a reference to the amount of bride-price paid by the former husband comes in again. This certainly speaks for the relatively low status of the woman vis-a-vis man. In spite of it, in these societies the woman has some bargaining power in regard to her relationship in the husband's house. The man cannot drive her too hard or else she will leave and he will have to pay bride-price to bring another wife. The compensation that he will get for her will not be the same as the bride price that he will have to pay.

3.188 Among the underprivileged sections, the custom of bride price often places a man and his family in debt. It has been responsible for pushing many tribal and caste groups into the clutches of money lenders.[27] It is well known that in South India the landless farm labourers owed their almost permanent servitude to particular landowning families for generations because of the debts incurred during marriage and death.[28] It is reported that among some Scheduled Castes of a Uttar Kashi region a wife may be sent for prostitution to clear the debt incurred in her own marriage.

3.189 Both from the point of view of improvement in the conditions of life of the people and for changing the conception of woman as someone's possession, the custom of bride-price needs to be eradicated. In fact the law aimed at prohibition'[29] of dowry is directed against bride price also.

3.190 With a rise in social status by economic prosperity or regular wage earning and under the influence of the high prestige groups who practise dowry, many castes of the lower and middle rungs and even some tribal groups are shifting towards dowry. When it is adopted by the well-to-do families in the caste, the poorer ones also succumb to this change for it becomes a trend in the marriage market. The peasants of the villages in Karnatak have changed over from bride wealth to dowry over the last fifteen years or so.[30] In Andhra Pradesh, the Golla or the caste of cowherds and the nomadic Lambadas have been gradually changing to dowry. This was also confirmed by our tour of the Himachal Pradesh. Various villages studied by individual schoolars and by the Socio-Economic Survey Division of the Census of India have reported this trend. Whereas the people changing over to dowry consider this a matter of

27. Dube, S.C. *The Kamar*
28. Epstein, Scarlett — *Economic Development and Social Change in South India pp. 105-6, 270*
Dube, S.C. — *Indian Village*
Gough, K — *"The Social Structure of a Tanjore Villiage"* in *Village India* ed. by M. Marriot. pp. 41-42.
Steed, G. — *"Personality Formation in a Hindu Village in Gujarat"* in *Village India* ed. by M. Marriot. pp. 120.
Harper, E.B. — *"An Unsuccessful Low Caste Movement"* in Silverberg : *Social Mobility in the Caste System in India* : Comparative studiesin social History supplementary III. 1967. pp. 36-55.
29. The Dowry Prohibition Act, 1961.
30. Epstein, Sartlett, South India : *Yesterday, Today and Tomorrow.*

prestige, the result of it is to make the daughter a liability A girl's value to her husband and
stantial dowry. Epstein's study[31] of
women from productive activities
vork is one of the potent factors
dowry

3.191 Dowry Technically, dowry is what is given to the son-in law or to his parents on demand either in cash or in kind There are baffling regional variations in people's understanding of dowry From the point of view of women's status the custom of dowry has to be
the bride, and often settled beforehand and
hough given to the bride, may not be regarded
the bridegroom before and at marriage: and
(3) what is presented to the in-laws of the girl The settlement often includes the enormous expenses incurred on travel and entertainment of the bridegroom's party

3 192 In the continued relationship between the two families, gift-giving characterises the occasions of visits, fasts and festivals, and ceremonies like those associated with marriage, childbirth, initiation etc, particularly in the first few years of marriage It is a matter of general observation and experience that in such gift giving, the bride's family is under compulsion and heavy pressure These subsequent expenses are often regarded as making up for the deficiencies in the dowry and can cause severe hardship to the girl's parents In the first few years of marriage, the girl's treatment in her husband's house is linked to these gifts Thus "Dowry is not one isolated payment but one array of gifts given over time But it is also clear that amongst the ways of payment that constitute dowry, that given at the time of marriage is most important and conspicuous[32]"

3 193 Dowry is linked with a number of social and cultural elements which sanction, justify or explain the practice

(a) It has been viewed as a kind of premortem inheritance of the daughter who has to leave her natal family to join another but who has some rights over the former Dowry thus stresses the notion of female property and female right to property

3 194 Among both the Hindu and the Muslim communities, this notion of dowry as the realisation of daughter's right is prevalent It is commonly expressed that claim to dowry takes care of a daughter's right to inheritance given by Islam In Hindu law, a daughter's claim to maintenance in the joint property included her marriage portion with the help of which she should be married properly An important ingredient of Stridhan are the gifts given to her by the bride's relatives during and after marriage In many communities in the South
s, Deshasth Brahmins, the
o the new daughter-in-law

3 195 (b) A daughter
for setting up her hou
particularly of gold a
the in-law's house The bride's parents associate their own prestige with these valuables In the upper castes of Tamil Nadu and Karnataka, diamond ear tops constitute the most prestigious item of jewellery to be given along with a pair of gold bracelets and maybe a necklace.

---

31 Ibid

32 Tambiah S J "Dowry, Bridewealth and women s Property Rights" in *Dowry and Bridewealth* by Jack Goody and S J Tambiah

33. Adhyagnyadhyavahanikam dattam Ca pritikarmani Bhratrmatrpitrpraptam Sadvidham Stridhanam Smrtam — Manu IX 194

by the father, the
the marriage and
taken to her new
it included property
arriage from her
kar, A.S op cit
pp 262-63). What was not included was immovable property given by the husband and what was obtained by the woman herself after her marriage by her own labour or from strangers (Kane, S V—1946, 779-80)

It is not considered odd for the bridegroom's mother or other relatives to examine the jewellery on the person of the bride and comment on it. All over India, jewellery (gems, gold and silver) is given importance. There is a new trend in more sophisticated urban families to give cash or savings cetificates, but jewellery remains the most accepted form of security, since it also has an exhibition value.

3.196 Among the landowning castes of Andhra Pradesh like the Reddy and the Kamma, or the Paganeri, and the Ambalakkareu of Tamil Nadu, a father may give to the daughter land and jewellery. The cash has to be given to the bridegroom's father or the bridegroom himself, but land is registered in the name of the daughter. During our tour of Andhra Pradesh, we received two points of view. One group supported the practice on the ground that while cash or movables can be disposed of by the in-laws, land remains as secure property of the woman. The other group felt that as the land was looked after by the father or the brother, the income from it that reaches the woman depends on the whims of the former. This often reduces the woman's share, particularly after the father's death.

3.197 Pots and pans and beds and beddings are important items included in bridal gifts. These are mostly regarded as belonging to the couple. In the case of utensils, however, customs differ. In North India where there has been a tradition of large utensils being given to the daughter, they are generally in the control of the in-laws.

3.198. (c) Living in the social millieu of inequality, there is a genuine desire on the part of parents to see their children well-placed. "It was a matter of preserving the status of a daughter as well as son. Sons might inherit all the productive capacity but the daughters had to be assured of marriage that would provide them with the same (or better) standard of life to which they were accustomed."[34] The daughters thus have to be endowed with some property, generally moveables. Transfer of wealth at the time of marriage enables a girl to enter into a desirable match. Hypergamy is based on consideration of status by birth. We find that caste groups following hypergamy have had a high incidence of dowry.

3.199 In the past few decades there has been a diversification of occupations within endogamous groups, and a sharp rise in economic and social inequality between their members. This has been one of the most important inducements for dowry,[35] and operates at all levels of the society. The amount of wealth that is involved may range from a few hundreds to lakhs but its weight on the persons is not substantially different. This motive is often expressed in the form of a fond desire of the parents to see that their daughter is not placed in conditions to which she is not accustomed. Whether it is about working in the fields and carrying water, about cooking and washing clothes, or being accustomed to the use of a refrigerator, a car, and an air-conditioner, similar arguments operate. Desire for special mobility for the daughter and indirectly for the parental family is also very strong.

3.200 The most common rite associated with Hindu marriage is kanyadan. It is recommended in the Shastras that she be duly adorned with jewellery and then gifted away.[36] This is related to the desire to obtain security and good status for the daughter. Increasing the value of the girl with jewellery and household goods is specially prevalent in these sections of the Indian society, irrespective of religion, in which women are homebound and do not contribute to the economy of the family in terms of gainful work.

---

34. Goody, J. K.—"Bridewealth and Dowry in Africa and Eurasia". In Goody, J. and Tambiah, S. J.—*Dowry and Bridewealth* 1973 p. 25.

35. "In ordinary families, however, the amount of dowry was a nominal one. It was a voluntary gift of pure affection and presented no impediment in the settlement of a marriage till the middle of the 19th century. It is only in the last 50 or 60 years that the amount of the dowry has begun to assume scandalous proportions. A good education, a lucrative appointment, or a good footing and economic position of a youth."
Altekar. A. S.. Op. Cit.

36. Tato vinitam Kalyanim Kanyam Kulavanvitam Alankrtryarhate dadya vivaho bramha ucyate.
The above verses have been written in relation to Brahma form of marriage. The idea of gift of the virgin daughter only bedecked is also clearly expressed in the booklet on procedure of marriage which are being widely used in India today. A few excerpts from these booklets may be quoted here :
Imam Kanyam Salamkaram prajapati daivatam Svargakamah patnivenaham sampradade *Sukravivaha Paddhati*
Commentator Shri Vasudeva Thakur Bhakshi, published by Babu Raghuvar Sinha, Bookseller Madhubani, Darbhanga.
Kanyam prajapati devatyam yathasaktyalan krtam......tubhyamaham sampradade.
Sukravivaha Paddhati prepared by Shri Chaturthilal, son of Kasturichandra of Ratangarh, Bikaner.

3.201 According to Hindu Shastras the meritorious act of Dana* or ritual gift remains incomplete till the receiver is given a Dakshina.[37] So when a bride is given over to the bridegroom, he has to be given something in cash or kind. This Varadakshina has assumed enormous proportions The bridegroom and his kin group are believed to have done a favour by acceptin[illegible]
honour for [illegible]
status by [illegible]
exchange o[illegible]
are honoured with some presents But nowhere are the parties equal and the proportion of gifts for the bridegroom and his people is much larger Non-Hindu communities also tend to manifest these regional variations

3.20[illegible] [illegible] bride is supposed to go intc[illegible] In the South, traditional [illegible] what has been represented by [illegible] of divorce/separation and remarriage the general custom is to deprive the women of the valuables that she has received from her husband and his people, in case the marriage breaks up Only if the husband is proved to have been at fault the situation may be different

3.203 In actual practice it is difficult to locate the principles enumerated above in a reasonable form As regards pre-mortem inheritance, in dowry there is hardly any consideration of rightful share for the girl. It is demanded and given without relation to the actual wealth of the girl's father; it is also not equal for all the daughters and its payment often plunges the girl's father and brothers into debt.

3.204 This fact was brought to our notice in practically every State. The financial burden on the family wc[illegible] h loans, which ranged from 5% per month [illegible] In exceptional cases the rate even goes up to [illegible] only a small portion consists of the belongings of the girl herself Often even her jewellery is not in her control and it does not help her in times of crisis The household goods given at marriage may not belong to her. In north India they may be disposed of by the in-laws, and even where they are in use in what she calls her home, in the event of separation, nothing appears to belong finally to the woman.

3.205 The settlement of dowry has all the characteristics of a market transaction What was originally intended to be a token Dakshina for the bridegroom has now assumed enormous proportions All over India the Committee heard the complaint that dowry is on [illegible]
them not only a partner but also all the things needed to set up a modern household, such as a car, refrigerator, radiogram These groups serve as pace setters and naturally influence those below. Thus a peon or a clerk would demand such things as a bicycle, a transistor, and a wrist watch. A scooter is a comon item of gift to the son-in-law in the groups at the middle level. In villages too, there are similar demands.

3.206 Among Muslims of many regions the custom of giving cash to the bridegroom is prevalent. It is so in Kerala among patrilineal Muslims. In Andhra Pradesh this money is known as "Jode Ka Paisa", i.e., cash given for the bridegroom's outfit. In ordinary middle class families this is settled in thousands. A general understanding is that this money is to be used for the expenses of marriage on the bridegroom's side. It is customary for the

*The following excerpt is taken from *Vivahapoddhati* (with translation and commentary) prepared by Shri Ramaswarup Sharma of Merath :

Marriage with Kanyadan is commonly expressed as *Jun* (religious merit) marriage in the northern states.

37. "According to the Hindu religion no sacrifice is complete without its appropriate Dakshina, so the marriage which is regarded as a kind of sacrifice should be duly fin[illegible] fitting Dakshina in th[illegible] orm of money and presents" Pandey, R B. Hindu Samskar.

bridegroom to present sets of clothes and jewellery to the bride and give at least one feast after the bride is brought home. Socio-economic status of the families of the bride and the bridegroom and education and earning potential of the bridegroom are important determinants of the amount. In many parts of the country, the bridegroom is given cash after the 'Nikah' ceremony. This is called 'Salami'. The orthodox Christians of Kerala and the Catholics of Mangalore and Goa also have the custom of dowry, and expenses of marriage for both the parties are to be borne by the bride's people. The Christians of Mangalore follow their pre-conversion custom of Kanyadan, and their gift-giving puts heavy pressure on the bride's parents. It is reported that in Kerala the custom of dowry makes marriage near impossible for many Christian girls belonging to large families. They may choose the ecclesiastical line or may leave the State in search of jobs, particularly opting for nursing. Many of them earn their dowry.[38]

3.207 There is a distinct trend among middle class girls to take up clerical or teaching jobs, nursing, or working as sales girls to earn their dowry in urban areas. The Committee was told about it specifically in Kerala, Orissa, Bihar, Bombay, U. P. and Delhi.[39]

3.208 Dowry may also be demanded in the form of residential accommodation in places like Bombay and Calcutta. Financial support for foreign education, or for setting up business is not uncommon. In a village near Delhi, we were told that motor cars were in great demand for use as taxis.

3.209 It is a disturbing trend that the girls themselves aspire to have their household set up in a grand style by the parents and to have clothes, jewellery, furniture and vehicle, etc. This is supposed to enhance the girl's status in the in-laws' family. There is some truth in it for she has to face comparisons of gifts received by the brothers of her husband on the occasion of their marriages. A daughter-in-law's treatment is also related to the amount of dowry she has brought. This trend is spreading even among those who have not had the practice of dowry.

3.210 Desire for ostentation and sense of prestige and status have contributed to an increase in wedding expenses incurred by the parents. This works both ways; the parents of the girl try to excel in ostentation and the boy's party also make fantastic demands. The Committee encountered a most ridiculous situation close to the capital city of India in which the bride's parents had to spend thousands of rupees to satisfy the demand of the bridegroom's party that a helicopter must be arranged for them to come to the wedding.

3.211 Both in villages as well as towns parents offer certain justifications for demanding and accepting dowry. First, since they have to give dowry for the daughters, they are in a way forced to ask for dowry for their sons. Second, the fathers of educated boys like to get back the amount they spent on the son's education. Some also argue that because of changed circumstances in which a son generally has a separate establishment and has a job somewhere away from home, the parents cannot expect much help from him, and so they consider his marriage as the major occasion on which their investment in his education can be recovered.

3.212 It is disconcerting to find that education has hardly had any liberalising influence on the minds of the people in respect of dowry. On the contrary education increased dowry both in rural as well as in urban areas. An educated boy, and more so one whose education and specialised training have helped him in acquiring a lucrative source of earning in life, expects a higher amount of dowry. The girl's parents want to buy a good future for their daughters. It is often possible in some of these cases to delink the boy's parents' socio-economic status from the boy's status, and parents of girls compete among themselves for such a boy.

3.213 Education of girls also increase dowry, though indirectly. An educated girl aspires to marry some one who is better qualified; her parents also have similar aspirations. There is hesitation on the part of young men to marry better educated girls. In fact this is a common expectation in a arranged marriage that a boy should be better qualified than a girl. Thus, the more educated a girl is, the more qualified a husband does she need. This necessitates greater

---

38. In Kerala there are special community marriages in which dowry is given by the Church with the help of donation and expenditure of feasting is taken care of.

39. Shanti Sitaraman reports the case of a girl who was sent to work 'to collect her dowry money. Firstly the target her parents set for her was Rs. 8,000/-, but each year that has been raised by boys' parents. 'Women and Work', Sunday World, May 13, 1973.

In such situations parents of the girls often feel almost cheated in educating their
rs Of course, where the girl is allowed to earn and is capable of earning her own education may be an advantage, but it does not lessen the dowry Only where a girl ken up a career or has a permanent job will the boy's people be satisfied with a modest This clearly indicates the relation of dowry with economic dependence which is asso- with women who are principally housewives Dowry encourages the belief that regards alue of women's work in the home as non productive

4 Although, in the context of the family, dowry may appear to give a certain status to woman who is fortunate enough to be able to bring more of it, the custom reflects upon helps in perpetuating the inferior status of women in the society In her natal home a l is considered a liability, and a drain on the family's resources This has its effect on the cialisation of children There is traditionally sanctioned discrimination between boys and irls in the family in respect of food, medical care, etc The enlightened sections may find his unimaginable but its truth cannot be denied In the sphere of education, the middle classes all over India give more importance to boys' education and whenever a choice has to be made because of scarce resources, it is the boy who is likely to win in preference to girls, irrespective of the relative capabilities of the two Undoubtedly dowry is a very great impediment in the progress of education of girls

3 215 The present trend which comprises all kinds of objects of utility, comfort, and luxury (and also of obvious ostentation and false prestige) in dowry, the subtle demands for cash, assurances of 'decent marriage,' and ways of conveying to the boy's people the direct and indirect gains that would accrue to them through a particular match, have all a strong flavour of market transaction It is difficult to pinpoint what is bought and sold a secure future and leisure for the daughter ? Or transfer of responsibility of the girl who was hitherto a liability the parents ? What is more than clear, however, is that girls have to face an extremely fair competition, in which their own worth is hardly recognised The prospects of marriage roduce considerable strain on the girls during their childhood and adolescence

3 216 It is interesting to see how the values inculcated in the sciety operate to perpetuate the evil A folksong of eastern U P says, "Let my daughter be married in a family where she will be swinging on a swing all the time". A rich Reddy girl's stereotyped ambition is that after marriage she should have nothing to do but sit on a comfortable mattress and chew betels Most certainly these ideas set standards of desirability for others It is revealing that the Committee during its tour in Rajasthan found that in a girl's college, a few girls who could be counted on the tips of one's fingers looked forward only to a respectable and secure marriage so that they would not need to work for a living With progressiv standardization of life styles and greater communication between groups and communities, th values of a high consumption society, with its false ideas of prestige are influencing oth ctions also

217 A feature of our society, which is closely related to dowry, is the involvement of m restige in the kind of work that the women of his house are required to do That is l the norms for women of properties and business classes and also those belonging to official class, incline them to lead an almost parasitic existence The farmers all ove country have been known to withdraw their women from the fields as soon as they be a little prosperous Similarly the aspirant middle class in urban areas are tending to wit their women from the area of gainful work, as soon as they have a stable source of incom

3 218 Dowry is an all-India phenomenon, but it is possible to identify its differential and working There are some communities and groups (excluding those who fo custom of paying bride price) who have been relatively free from the menace of this To give a few examples most Muslim communities, the non Catholic Christian tside Kerala and the Parsees do not have dowry The Nagar Brahmins of Gu hatris of U.P , and the Mathur Kayasthas did not customarily settle marriage tr cash or kind Several castes in Maharashtra also fall in this category But tod elonging to these groups are also adopting dowry It is rampant in the Pun Bihar and Rajasthan and to a lesser degree inBengal, Orissa, and Madhya Pradesh mentioned earlier, the flow of gifts is almost unidirectional Aggarwals and ot groups in the Hindi speaking areas, the Rajputs and the Kayasthas and the landow of Bihar and U P practise dowry Among the Kanyakubja Brahmins, the Padidars and Anavil Brahmins of Gujarat and other communities, hypergamy h ng high rate of dowry In the South the following groups are k

bridegroom to present sets of clothes and jewellery to the bride and give at least one feast after the bride is brought home. Socio-economic status of the families of the bride and the bridegroom and education and earning potential of the bridegroom are important determinants of the amount. In many parts of the country, the bridegroom is given cash after the 'Nikah' ceremony. This is called 'Salami'. The orthodox Christians of Kerala and the Catholics of Mangalore and Goa also have the custom of dowry, and expenses of marriage for both the parties are to be borne by the bride's people. The Christians of Mangalore follow their pre-conversion custom of Kanyadan, and their gift-giving puts heavy pressure on the bride's parents. It is reported that in Kerala the custom of dowry makes marriage near impossible for many Christian girls belonging to large families. They may choose the ecclesiastical line or may leave the State in search of jobs, particularly opting for nursing. Many of them earn their dowry.[38]

3.207 There is a distinct trend among middle class girls to take up clerical or teaching jobs, nursing, or working as sales girls to earn their dowry in urban areas. The Committee was told about it specifically in Kerala, Orissa, Bihar, Bombay, U. P. and Delhi.[39]

3.208 Dowry may also be demanded in the form of residential accommodation in places like Bombay and Calcutta. Financial support for foreign education, or for setting up business is not uncommon. In a village near Delhi, we were told that motor cars were in great demand for use as taxis.

3.209 It is a disturbing trend that the girls themselves aspire to have their household set up in a grand style by the parents and to have clothes, jewellery, furniture and vehicle, etc. This is supposed to enhance the girl's status in the in-laws' family. There is some truth in it for she has to face comparisons of gifts received by the brothers of her husband on the occasion of their marriages. A daughter-in-law's treatment is also related to the amount of dowry she has brought. This trend is spreading even among those who have not had the practice of dowry.

3.210 Desire for ostentation and sense of prestige and status have contributed to an increase in wedding expenses incurred by the parents. This works both ways; the parents of the girl try to excel in ostentation and the boy's party also make fantastic demands. The Committee encountered a most ridiculous situation close to the capital city of India in which the bride's parents had to spend thousands of rupees to satisfy the demand of the bridegroom's party that a helicopter must be arranged for them to come to the wedding.

3.211 Both in villages as well as towns parents offer certain justifications for demanding and accepting dowry. First, since they have to give dowry for the daughters, they are in a way forced to ask for dowry for their sons. Second, the fathers of educated boys like to get back the amount they spent on the son's education. Some also argue that because of changed circumstances in which a son generally has a separate establishment and has a job somewhere away from home, the parents cannot expect much help from him, and so they consider his marriage as the major occasion on which their investment in his education can be recovered.

3.212 It is disconcerting to find that education has hardly had any liberalising influence on the minds of the people in respect of dowry. On the contrary education increased dowry both in rural as well as in urban areas. An educated boy, and more so one whose education and specialised training have helped him in acquiring a lucrative source of earning in life, expects a higher amount of dowry. The girl's parents want to buy a good future for their daughters. It is often possible in some of these cases to delink the boy's parents' socio-economic status from the boy's status, and parents of girls compete among themselves for such a boy.

3.213 Education of girls also increase dowry, though indirectly. An educated girl aspires to marry some one who is better qualified; her parents also have similar aspirations. There is hesitation on the part of young men to marry better educated girls. In fact this is a common expectation in a arranged marriage that a boy should be better qualified than a girl. Thus, the more educated a girl is, the more qualified a husband does she need. This necessitates greater

38. In Kerala there are special community marriages in which dowry is given by the Church with the help of donation and expenditure of feasting is taken care of.

39. Shanti Sitaraman reports the case of a girl who was sent to work 'to collect her dowry money. Firstly the target her parents set for her was Rs. 8,000/-, but each year that has been raised by boys' parents. 'Women and Work', Sunday World, May 13, 1973.

dowry In such situations parents of the girls often feel almost cheated in educating their daughters Of course, where the girl is allowed to earn and is capable of earning her own dowry, education may be an advantage, but it does not lessen the dowry Only where a girl has taken up a career or has a permanent job will the boy's people be satisfied with a modest dowry This clearly indicates the relation of dowry with economic dependence which is associated with women who are principally housewives Dowry encourages the belief that regards the value of women's work in the home as non productive

3 214 Although, in the context of the family, dowry may appear to give a certain status to the woman who is fortunate enough to be able to bring more of it, the custom reflects upon

girls in the family in respect of food, medical care, etc The enlightened sections may find this unimaginable but its truth cannot be denied In the sphere of education, the middle classes all over India give more importance to boys' education and whenever a choice has to be made because of scarce resources, it is the boy who is likely to win in preference to girls, irrespective of the relative capabilities of the two Undoubtedly dowry is a very great impediment in the progress of education of girls

3 215 The present trend which comprises all kinds of objects of utility, comfort, and luxury (and also of obvious ostentation and false prestige) in dowry, the subtle demands for cash, assurances of 'decent marriage,' and ways of conveying to the boy's people the direct and indirect gains that would accrue to them through a particular match, have all a strong flavour of market transaction It is difficult to pinpoint what is bought and sold a secure future and leisure for the daughter ? Or transfer of responsibility of the girl who was hitherto a liability of the parents ? What is more than clear, however, is that girls have to face an extremely unfair competition, in which their own worth is hardly recognised The prospects of marriage produce considerable strain on the girls during their childhood and adolescence

that the Committee during its tour in Rajasthan found that in a girl's college, a few girls who could be counted on the tips of one's fingers looked forward only to a respectable and secure marriage so that they would not need to work for a living With progressive standardization of life styles and greater communication between groups and communities the values of a high consumption society, with its false ideas of prestige are influencing other sections also

3 217 A feature of our society, which is closely related to dowry, is the involvement of man's prestige in the kind of work that the women of his house are required to do That is how the norms for women of properties and business classes and also those belonging to the official class, incline them to lead an almost parasitic existence The farmers all over the country have been known to withdraw their women from the fields as soon as they become a little prosperous Similarly the aspirant middle class in urban areas are tending to withdraw their women from the area of gainful work, as soon as they have a stable source of income

3 218 Dowry is an all-India phenomenon, but it is possible to identify its different ... and working There are some communities and groups (excluding those ... custom of paying bride price) who have been relatively free from the menace ... To give a few examples most Muslim communities, the non-Catholic ... outside Kerala and the Parsees do not have dowry The Nagar Brahmins ... Khatris of U P , and the Mathur Kayasthas did not customarily settle ... in cash or kind Several castes in Maharashtra also fall in this category ... belonging to these groups are also adopting dowry It is ... Bihar and Rajasthan and to a lesser degree in Bengal, Orissa ... mentioned earlier, the flow ... groups in the Hindi speaking ... of Bihar and U P practise ... Padidars and Anavil Brahmins of Gujarat and other communities ... establishing high rate of dowry In the South the ...

dowries: the Reddis, the Kammas and the Velmas as also the traders and well-to-do Brahmins of Andhra Pradesh; the Naidus, the Brahmins, the Vellalas, the Mudaliars and the Chettiars of Tamilnadu; Brahmins, Vaisyas and some Lingayat groups in Karnataka and the various Christian groups in Kerala. In Bengal all the upper castes practise dowry. Dowry among the Muslims consisted mainly of clothes, jewellery, and articles of household use for the daughter; and the other principal item of expenditure used to be entertainment of the bridegroom's party and celebration of the wedding. In North India and in the princely States marriage of a daughter had always involved substantial expenditure: But now, even among the Muslims dowry is demanded, though it may be in a subtle form. There is in fact no difference now in the pattern and motives for conspicuous consumption and dowry, either religionwise, or castewise:

3.219 Black money and unaccounted earnings have given an impetus to dowry during the post-independence era. A new class of noveau rich has emerged that buys a daughter's future with dowry, to raise its own social status by entering into marriage alliances with families of high status. These people are keen to get rid of the black money, so they spend it lavishly during weddings. In this process the level of expectations in the marriage market has changed altogether. Men of honest means and moderate income find it extremely difficult to remain honest in order to compete with this class that has a free flow of black money. The Committee received innumerable complaints from common people, who are fully aware of this situation and are also very bitter about it.

3.220 We would like to emphasize that the spirit of dowry and the transactions involved in it, particularly at the upper middle class and upper class levels go against the goal of a socialistic society. Such value patterns of marriage expenses tend to influence other socio-economic groups. It is an undeniable fact that, excepting a few rich, all have to spend beyond their means where dowry is involved. During our visits, women all over the country complained bitterly about the increasing burden of dowry and also told us that many girls had to remain unmarried because of this evil practice. The limited means of the parents and the abnormal demands for dowry impose a great strain on the minds of some young girls. In Orissa some doctors reported to us increasing incidence of nervous break downs in this group. Elsewhere we even heard of some cases of suicide by young girls who were faced with this problem.

3.221 Material considerations like wealth, jobs and professional opportunities have always formed one of the important incentives for marital unions even in countries where marriage is supposed to be based on love. What is deplored in the case of dowry is its compulsive character and material transactions in actual consideration for marriage. We require some concrete measures to do away with this state of affairs. The attack on dowry has to be multipronged. Our measures, though aiming at proximate ends, should take a determined step forward towards an egalitarian society. Social consciousness needs to be aroused particularly amongst women, to enable them to understand that by encouraging dowry they are perpetuating the inequality of the sexes. Reforms in marriage customs to simplify the ceremony, increasing opportunities for employment, condemnation of the ideal of a parasitic existence for women, a reassessment of the value of household work and home-making, as socially and economically productive, and the enforcement of the Anti-dowry Act, are some of the measures necessary to fight the increasing problem of dowry.

3.222 The problem of dowry cannot be solved only by educating the young. Therefore, it is necessary to examine the present law against dowry and do away with the loopholes which have made it totally ineffective. The present law may be regarded as only a proof of growing social awareness about the evil custom of dowry. It is essential that acceptance of money, property, or goods in consideration of marriage be made a cognizable offence. It will then activate social service organisations to take up the cause and pursue infringements of the law.*

3.223 In banning dowry it does not seem feasible to ban gifts for the daughter herself. The present law does not ban it, nor can future law prohibit it totally. This is likely to pose a difficult problem. This issue will have to be tackled at the level of mass education and social pressure. It will be necessary to keep record of things given to the daughter so that they remain her possessions and are not appropriated by the in-laws

3.224. If public display of gifts is banned, it may hold unhealthy competition in check. It will spare the bride's parents much humiliation. This is not a minor issue. In Gujarat it is

* Details of legal measures needed are suggested in Chapter-IV.

common practice to send round invitations to women to see the gifts being given to the bride and her in laws In many other areas, though not mentioned in such specific terms, a few occasions for which invitations are sent specifically meant for displaying the dowry This must arouse strong social censure We feel that women s organisations can play an active role here

3 225 O ... ... ure on food, lighting and ... interests this is a drain on ... Control over the expendi- ... sure Here the interest of women and the nation converge

3 226 Com ... o simplification of rituals and ... ll be easier for the young to l ... persons, both men and women observed that inter caste marriage is one of the ways to fight the evil of dowry For this it is necessary to build up strong public opinion in favour of such marriages This would naturally go against endogamy and hypergamy wherever it is prevalent and would lead to raising the women s status by undermining the importance of dowry

3 227 It is necessary to devise ways and means to make women conscious of the limitations of their self image Whether they are transferable assets as in the case of bride price, or liabilities whose value has to be enhanced so that they become acceptable, women are ...

There is also need for a separate machinery to enforce the proper implementation of the legal measures connected with marriage and dowry

Widowhood

3 228 It is often mentioned that the problem of widow remarriage is the problem only of a section of society It is necessary to ascertain how large this section is In the absence of use of caste as a category for the collection of Census data since 1941 onwards, population figures for 1931 Census have been used to obtain some idea of the proportion of Hindu population which traditionally did not practise remarriage of widows* Population of these castes was added together and its percentage to the total Hindu population in 1931 worked out This is only an approximation Our calculations show that at least 13 9% of the Hindu population in 1931 did not customarily practise widow re marriage This percentage is enough proof that the problem does not concern the whole of the Hindu s ciety But if we have a look at absolute figures (33256068) and think of the rate of population growth since 1931 it certainly does not appear to be an insignificant problem

3 229 Furthermore it is these groups who have ... ociety and have also been instrumental in bringing about ... the whole society One example should suffice to bring tl ... evidence to tell us that only an infinitesimal number of widows in the general population were immola ting themselves that outside ruling and priestly families the custom did not have a wide appeal[40] But in certain parts of the country reverence is shown for women who committed sati in the past Commemoration stones of these acts can still be found in some regions Newly married couples are sometimes taken to the sati stone to show reverence and obtain blessings

3 230 Even among those who allow widow remarriage, many groups do not look upon it favourably At the most it is accepted as a solution of the problem of maintenance of a widow Among high class Muslims also widow remarriage is frowned upon

3 231 According to 1951 census there were 22 million widows i e 123 widows per 1000 females According to 1961 census 10 8% of total female population consisted of widows as opposed to 3 70% widowers The Census 1971 recorded 8 million widowers as against 23 million widows

---

* A l st of castes and caste groups which customarily did not approve of remarriage was prepared on the basis of accounts of castes in volum s on customs and traditions and mi rostud es in various parts of India

40 Altekar A S *The Position of Women in Hindu Civ l sat on (1938) p* 162—64

(a) Percentage of Widowed Persons, 1971.

Age Group	*Males Females*	*Rural*	*Urban*	*Total*
All ages	Males	3.2	1.9	2.9
	Females	7.9	8.9	8.7
0—9		—	—	—
10—14	M	0.03	0.02	0.03
	F	0.07	0.03	0.06
15—19	M	0.18	0.05	0.15
	F	0.37	0.23	0.33
20—24	M	0.74	0.31	0.63
	F	0.95	0.71	0.90
25—29	M	1.40	0.69	1.23
	F	1.94	1.51	1.85
30—34	M	2.35	1.26	2.09
	F	4.06	3.46	3.95
35—39	M	3.09	1.63	2.77
	F	7.17	6.25	8.68
40—44	M	5.03	2.90	4.57
	F	14.34	13.46	14.18
45—49	M	6.45	3.94	5.92
	F	20.31	20.93	20.42
50—54	M	10.42	6.67	9.70
	F	36.28	37.73	36.53
55—59	M	12.50	9.07	11.87
	F	40.52	43.72	41.06
60—64	M	18.12	14.69	17.54
	F	62.21	63.98	62.50

Source : Census of India 1971 Series 1—India Part II Special

(b) Age-group wise proportion of Widows to widowers.

Age Group	*Males per 100 females*
All ages	36
10—14	60
15—19	52
20—24	69
25—29	65
30—34	54
35—39	43
40—44	37
45—49	35
50—54	31
55—59	33
60—64	30

Source : Census of India 1971 Series 1—India Part II Special.

3.232 This proportion has not changed drastically in 1971 Census. The two tables given above make this clear. Presence of children is a positive deterrent to remarriage of mothers, particularly after they have crossed the age of 35 or 40. The fear of losing the children and not being able to have them with her is very real for a woman, and this applies to all women[41] except those in matrilineal communities.

41. Practice of marrying deceased husband's brother is a partial solution of this difficulty.

3 233 The condition of widows in our country may be examined from two angles . social and economic These two are inter-related and are often indistinguishable from one another. Social attitude towards widows differs at different socio economic levels in regard to details

3 234 A change in the life style of women after they are widowed is characteristic of Indian society, though there are regional and group variations at different socio-economic levels Restrictions imposed on Hindu widows have been mentioned earlier.[42] It should be emphasised here that with the conception of man as the breadwinner and the woman as his dependent, the married state for a woman is considered fortunate and conversely widowhood is associated with great misfortune. Life long mourning is imposed on them The signs of the married state[43] have to be removed from the person of the widow. In many communities this process is made specially painful It emphasises that her existence has been rendered worthless by the death of the husband The Muslims of respectable families also follow regional practices of making a widow distinguishable Other religious groups follow this behaviour pattern in different degrees.

3 235 An important purpose of these restrictions on a widow is to make her unattractive Reactions of the respondents in our survey to a question as to whether a young widow should be required to change her mode of dress are revealing C [illegible] we find that 59 52% Hindus approve of such a change, [illegible] [illegible] modernised city [illegible] ial norm is that a [illegible] d woman in every manner Even in educated circles deviation from this norm on the part of a widow is commented upon.

3 236 Association of inauspiciousness with widowhood still continues. Widows themselves avoid taking an active part in ceremonial occasions. For instance, among the Bohras a widowed mother would not break the coconut for her son's birthday Responses to our question indicate that there is some disapproval of widow's participation in auspicious [illegible] participation while 10 14% do so [illegible] Christians disapprove of widows [illegible] are 71 94% Muslims, 71 88% [illegible]

3 237 A very interesting pattern is seen in the response according to caste groups the [illegible] widows' participation is the highest (63 45%), [illegible] hen the lower caste Hindu (58 28%) and last [illegible]

3 238 Thus it appears that the distinction between a married and a widowed woman is kept *more alive at the lower social levels; in fact* [illegible] *in which widowed* women are debarred from participating [illegible] ng, are expected to remarry. Among Muslims if a son dies [illegible] , then his widow does not get any share of the property

3 239 It is regrettable that though the condition of widows in our society caused such serious concern to the social reformers, and the widow Remarriage Act was passed as early as 1856, society's attitude to this unfortunate group [illegible] change in all these decades. Immolation may have stopped [illegible] widows may have increased, but by and large, the condit[illegible] blot on our society. The large group of widows, of all ages, whom we met in Banaras, were in a state of destitution Many of them had children Only a few had any visible means of economic support. Allowances from the family were either negligible or non-existent. In the absence of any employable skills, most of them were depending on petty trades like making paper bags, packets of incense, selling pakoras etc , earning an average income of Rs 15 to 20 per month Some joined 'bhajan mandalies' and earned about 37 paise in an evening and even that was not a regular income. Some were reduced to absolute beggary.

---

42. Vide section on religious traditions

43 These vary from region to region Glass bangles and vermilion in the parting of the hair, kumkum on the forehead, and string of black beads, nose ring, particular type of ear ornaments, bangles of elephant tusk, toe rings anklets are some important signs belonging to different regions Jains & Muslims also wear [illegible] of these signs

3.240 The widows' scheme, adopted by the U. P. State, provides a small pension. According to the District Officer, only about 10% of the recommended cases have received this pension. In their discussion with us, these women stated that though their lives were finished, neither they nor society had provided any protection or security for their children, whose future looked no less bleak than the present. We were informed by a member of the Gandhian Institute of Studies that some teenage daughters of these widows were employed as compositors by some of the small presses in Banaras. They were mostly illiterate, and had to do their work by recognising letters without being able to read, which imposed tremendous strain on their eyes. He described their expressions as 'sightless' and 'vacant'.

3.241 Many of these widows had been sent by their families but family ties with brothers, sons or in-laws had gradually become tenuous. Some even said that they had run away, to escape from ill-treatment by relatives. The very old ones, no longer able to look after themselves, were preys to cheats. When they fell sick, the only care they could get was from some neighbours belonging to the same group—who are in no position to look after others. Some of the worst cases are left before the Ramakrishna Mission Old People's Home. The latter, being overfull, has stopped further admissions, hence even this avenue for care of these old and destitute women, has now closed.

3.242 According to the Gandhian Institute, which conducted a small investigation, there are approximately 5000 destitute[44] or semi-destitute widows in the city of Banaras. Majority of them come from Bengal but some were also from South India and Maharashtra. We have recorded our impressions of this group as a symbol of the status that our society allots to widows.

3.243 For those who have any property, however, legal reform securing the right of widows to a share of the husband's property has improved the condition considerably. The decision of the Government to provide family pensions to widows of government servants for their life time, with additional allowances for children during their minority has also guaranteed a degree of security.

Age at Marriage

3.244 Although the last few decades record a distinct rise in the mean age of marriage for women in India, the problem continues to be serious as is evident from the percentage of married persons (which would also include widowed persons) even in the age groups 10—14 and 15—19.

TABLE :

The percentage distribution of ever married persons according to sex and age 1961 and 1971.

Age group	*Rural*				*Urban*			
	1971		*1961*		*1971*		*1961*	
	Male	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*
10—14	5.31	13.79	7.92	22.37	1.50	4.21	2.04	6.99
15—19	21.06	63.09	43.50	85.80	7.38	36.24	26.90	70.60
20—24	55.91	93 78	60.75	95.54	32.78	80.90	41.08	87.28

3.245 In rural areas in the 10—14 age-group, 13.79% girls are already married, while in the 15—19 age group, 63.9% are married. In urban areas this percentage is much less : 4.21 in the age group 10—14 and 36.26 in the 15—19 age group. According to another source, in the 12.5—17.5 age group, 45.21% girls are married as compared to 13.29% boys[45].

3.246 One redeeming feature of child marriage in India is that customarily the consummation of marriage takes place after the girl reaches puberty. It may be noted, however, that

44. No proper survey has been conducted but unofficial figures are upto 20,000 such destitute widows in the city of Banaras alone.
45. Kumudini Dandekar : "Age at Marriage of Women" paper prepared for the Committee.

this age does not necessarily tally with the legal minimum age of marriage The magnitude of this phenomenon is not easy to measure for the simple reason that people are not able to report the correct age in the Census

3 247 Low age of marriage is related with the near universality of marriage in India In a sense marriage is not an individual decision but a cultural one Only 0 5% women never marry Since all girls have to be married off the thought of their marriage has to be entertained from their birth or early childhood Early marriage is accompanied by seemingly easy solutions for a number of problems Rules of endogamy which prescribe that marriage should be arranged within a certain group, and other norms of prescription, preference and proscription (such as close kin marriages gotra, clan and village exogamy, and marriage within one's class) are best taken care of in the case of early marriage Leaving the girl to decide when to marry may also mean her deciding whom to marry and her choice may not conform to the traditional norms and rules Betrothals and early marriages are encouraged towards this end

3 248 Closely connected with the concern for maintenance of group boundaries, is the desire to preserve the purity of women The biological facts of gestation and lactation make repudiation of motherhood next to impossible The emphasis on the purity of women springs from this Chastity gets strong emphasis among Muslims also and with emphasis on purity of blood, early marriage appears to be the best solution, particularly for those who do not keep their women secluded This concern for the purity of women was reflected in the compulsion of pre puberty marriage among the Brahmins, for whom its violation resulted in ostracism A father who could not get his daughter married before puberty was believed to commit a grave sin In spite of strong opposition to early marriage from the reformers it remained popular till the twenties of the present century Because of the ban on widow remarriage among the upper groups, early marriage was nothing less than a curse Although not as low as among the Brahmins, age of marriage among the Kshatriya castes and trading castes was also fairly low This is made clear by the following table presenting the mean age at marriage for the four groups the Brahmin, the Kshatriya, the trading castes, and the Scheduled Castes

TABLE

The Mean Age at Marriage of Census Synthetic Cohorts India and Selected States Average for 1901–1931

	Brahmin Caste		*Warrior Caste*		*Trading Caste*		*Scheduled Caste*	
	Male	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*
Assam	23 47	12 15	–	–	–	–	24 65	11 90
Bengal	21 53	12 16	–	–	19 92	12 51	18 46	11 20
Bihar & Orissa	19 57	11 77	21 10	13 24	21 32	14 30	13 81	11 14
Bombay	21 59	12 58	20 79	12 31	20 57	13 78	16 59	10 21
Hyderabad	17 06	11 82	16 96	11 45	–	–	15 90	12 30
Madhya Bharat	17 54	12 13	17 39	13 26	16 12	12 64	–	–
Madhya Pradesh	20 50	12 48	17 15	11 73	18 60	11 73	14 93	10 38
Madras	20 73	12 33	–	–	22 21	16 61	22 25	15 67
Mysore	22 00	12 12	25 31	14 82	22 36	12 70	24 37	16 42
Punjab	21 79	14 59	25 12	13 81	20 38	14 51	17 99	12 24
Rajputana	20 12	13 12	22 73	13 56	19 47	13 57	17 10	12 76
Uttar Pradesh	18 06	13 48	18 92	13 20	18 14	12 84	17 58	12 77
Travancore Cochin	22 43	15 63	28 32	17 22	23 20	16 62	23 82	18 76
All India (un weighted average of reporting States)	20 49	12 80	21 38	13 46	20 21	13 80	18 95	12 98

Sources: Census of India, 1901, Vo I, Part II, pp. 353-366 · Census of India, 1911, Vol I, Part II, pp 242-283 Census of India, 1921, Vol I, Part II, pp 108 167, Census of India, 1931, Vol I, Part II, pp 160-181 From Aggarwala, S N *Age at Marriage in India* (1962) p 176)

3.249 It is striking that among the Brahmin and the Scheduled Castes, the age of marriage was the lowest. As pointed out earlier, since 1931, there has been a gradual but distinct rise in the age of marriage, specially among middle and upper classes in the urban areas but the rise is not so noticeable among the Scheduled Castes.

3.250 Census has stopped collecting data for marital status of girls below the age of 10. Therefore, it is not possible to know of the incidents of child marriage between the ages of 0 to 10 years. But in our tours, we came across a number of children below the age of ten, who were already married. We were also informed of marriages were the bride had to be placed on a thali. In a village in Darbhanga, we saw a girl of three in a Balwadi, wearing sindhur mark. (In a factory in Indore that we visited, a baby of 18 months in a creche was already married).

3 251 One of the important factors connected with early marriage is that onset of puberty is regarded as the right age for marriage, as the girl is considered ready for maternity.[46] The notion that a girl can be married with proper rites only when she is a virgin is also an important factor behind early marriage. Thus, for those, whose girls cannot be confined to the house as they have to share in the work outside, early marriage is necessary in order to ensure their reputation and protect them from motherhood before marriage. This association between relatively free movement of girls, and early marriage is fairly clear. Some social scientists have related the continuance of the custom of early marriage among Scheduled Castes with their helplessness in protecting their women from the lust of men of upper groups who have economic power over them.[47]

3.252 Scarce resources also constitute an important reason for early marriage. Since the girls do not support the family, the responsibility in respect of them is transferred to another family as early as possible. Another reason given for early marriage is to enable the proper adjustment of girls in their conjugal family.

3.253 Though not the only factor, low age of marriage is responsible for population growth, low standard of health of women, and high mortality in the child-bearing age. It is essential to take strong action in this regard. Compulsory registration of marriage would never help to curb the evil of child marriages.[48]

3.254 Early marriage and lack of education constitute a vicious circle. A determined effort will have to be made to educate the girls in rural areas, and those from lower socio-economic groups in urban areas, if the age of marriage of girls is to be raised. Education of both boys and girls will inevitably contribute to raising the age of marriage. An important measure will be to educate the people so that they learn to delink onset of puberty with preparedness for maternity.

3.255 In urban areas and for the well-to-do in rural areas education and the need for employment of boys has raised the age of marriage and this has contributed substantially to the raising of age of marriage for girls. Thus education of girls is both a cause and an effect of raising of age of marriage.

3 256 In studies of attitudes[49] regarding age of marriage which were conducted mainly in educated urban middle and upper classes, the desirable age suggested for the marriage of girls broadly ranges from 16 to 24.

3.257 Child marriages do not pose such a problem among the tribes. Among the hill tribes, few girls are married before 15. Only a few tribes like the Bhumia, Mahalis, Omnatyas, Bajuras, Tharuas, some Koyas and some sections of Gonds practise child marriage. Banjaras held the betrothal early but do not marry their girls before the age of thirteen which is the age allowed by their Panchayat[50]. Marriage immediately after puberty is fairly common and among many tribes of Central and Western India in fact the onset of puberty is associated with maturity among the tribes also.

---

46. This was also the notion inherent in the Brahmin's preference for pre-puberty marriage and the charge that each menstural cycle of the daughter burdened that father with the sin of infanticide.

47 Das; V. "Status of Women in Relation to the Institution of Kinship and Marriage" Paper prepared for the Committee.

48. *Vide Infra Chapter IV. para 4.070*

49. Desai, Neera "Survey Report on Roles and Attitudes to Women"—paper prepared for the Committee.

50. Jadhav, C. G., and Bannerjee, N. K., : "Tribal Marriage Institutions in India",—paper prepared for the Committee.

Customary Marriages

3 258 While marriages among the dominant higher castes are performed by ritual ceremonies, since marriage is recognised as a sacrament there have always been various forms of customary marriages practised by other castes, which do not involve any rituals but are based on simple practices These marriages are fully accepted by the community Throughout the Himalayan tract *Jhajra*, which means putting a ring in the bride's nose is the customary form of marriage *In the trans—Giri* territory of Simur, regular marriage is termed Jhajrath Earlier, marriage according to Hindu rites was unknown, but now the well to do and respectable Kanet and Bhat families have adopted them In Maharashtra the poor people practise Mohutur, which is a shortened form of marriage, not as sacred but a completely legal union In some parts of Madhya Pradesh if an unmarried girl elopes she may be married only by a simple ceremony which is used for secondary marriages In Manipur, however cases of elopement which are then followed by a proper ceremonial marriage are of frequent occurrence and not disapproved by the Community These are only illustrations of various forms of customary marriage

3 259 Customary marriages are normally coterminous with easy forms of divorce and secondary marriages Secondary marriage of a widow or a separated or divorced woman is accompanied by a nominal ceremony, mostly signifying the renewal of the married' state for the woman Depending on the region the gifts by the man consist of things like glass bangles ve-

3 260 Where a woman leaves one man and goes to another payment of compensation to the previous husband may be said to be characteristic of the majority of those castes among whom secondary union is permitted In many areas there is no formal divorce when a woman goes to live with another man who is willing to pay compensation for her to the previous husband, and a fine and feast to the caste or village, the union is recognised

3 261 It has been brought to our notice that in some of these cases where a compensation has to be paid by the new husband the woman's decision is not always voluntary We were told in Himachal Pradesh that in the Reet form of marriage while the former husband must consent to the remarriage of his wife to another man, the wife's consent to this exchange is not essential There have been cases where she is compelled by the former husband or by her father as the case may be The women who met us both in urban and rural areas, were outspoken in their criticism of this practice Similar cases of compulsion have been reported from Madhya Pradesh

3 262 The tribals are governed by the customs of marriage and divorce of their respective tribes *In the case of primary marriages most tribes have a preference for marriage by* negotiation, but there are also provisions to accommodate unions which are established by elopement We were told by members of the Wanchoo tribe in Arunachal Pradesh that though negotiation is preferred, if a girl is emphatic in her refusal to accept the groom chosen by her family, then her decision is accepted We believe this is common among most tribes A popular custom in the tribes of the plains is to get a boy to serve and help the girl's household for a few years to earn his bride It is in the subsequent unions that individual choice gets exercised Going to live with another man, who pays a compensation to the previous husband, is equivalent to divorce and remarriage There is considerable variation in customs regarding marriage and divorce among the tribals, but an examination clearly indicates that the two partners are not at par with each other There is compensation for the loss of woman, and the mother has to leave her children behind There is however, no stigma on divorce and remarriage The average age of marriage is also higher among tribals and no marriage takes place before puberty

A *Role Differentiation*

III Changing Milieu and Roles of Women

3 263 While granting equality of rights to men and women in the polity, Indian society implicitly accepts a sharp distinction between men's spheres and women's spheres and between masculine roles and feminine roles Realisation of true parity between the sexes granted by the Constitution will be possible only when conceptions and attitudes of the people are brought at par with it

3.264 An overview of masculine and feminine spheres and roles in our society suggests that the inventory of activities considered proper for women and expected of them is not uniform all over India. Some basic notions about male and female roles, however, appear to be common.

3.265 Women is primarily associated with the home and man with the outside world. As home-makers women are expected to look after domestic chores, such as cooking and serving food, processing and storage of food, and cleaning the house. Woman's contribution to productive activities or to actual earnings of the family varies at different socio-economic levels and in different regions. Thus women, whether they work in the fields, factories or mines, or work at construction sites, or those who are engaged in household industries, or in white collar jobs, all of them are expected to be home makers along with those who confine themselves exclusively to home-making activities. Housewives and mothers are the feminine roles. In the cultural understanding of the people, home-making like child bearing and also child rearing cannot be distinguished from femininity. In other words these are sex-linked roles for women.

3.266 According to convention, participation in decision making for the community and the exercise of political power is regarded exclusively as the man's sphere. This is clear from the entirely male composition of the traditional Panchayats, either of villages or of caste groups including caste like groups among Muslims.

3.267 By and large manual work for one's own house is to be done by women, as they are considered derogatory for men. They may perform them only under special circumstances, for instance men may cook when women are disabled by illness or confinement. For community feasts cooking by men from within the group is a common feature at the lower socio-economic levels. Cooking, tailoring or sewing can be taken up as a vocation by men. Thus suitability of women for these tasks appears to be a myth.

3.268 Broad regional patterns which show that there is no uniformity in the type and quantum of work expected of women also point towards this. What a woman does in one society or region is often dubbed as non-feminine in another. Weaving is the monopoly of woman in the North-Eastern Hill areas, whereas in the lower parts of Himachal Pradesh it is a male activity. In Maharashtra and parts of South India it is done by men and women together and woman is an indispensable assistant. Phulkari work of the Punjab is a women's craft whereas embroidery in Kashmir is done only by men.

3.269 In agricultural activities there are significant regional differences in the parts played by men and women. It is generally stated that men are supposed to do the heavier work. This is a supposition or belief which is not borne out by facts or by a cross regional survey of India. Men's tasks are not necessarily more arduous. What is more important is that men do work which is considered more prestigious. Ploughing, sewing in many parts and all the work of transportation by bullock-cart and large-scale marketing of produce are the domain of men. In the hills, women's contribution to the economy is distinctly higher than that of men, in addition to house-hold work which is very heavy, for example, bringing water from far off places, keeping a vigil throughout the night to scare the wild animal away. "In Bashahr, Chamba and Mandi women help their mates in wood-chopping. While men fell the trees women slice the timber. They carry the timber on their backs from the place where it is sawed to the peace from where it is to be floated down the river. They have been seen carrying logs weighing anywhere between 200 to 300 pounds with perfect ease and equanimity."[51] These are the unpaid family workers of rural India.

3.270 In the middle class (which constitutes an extremely amorphous category) the spheres of men and women are more sharply defined. Ordinarily all the work that women do is viewed collectively as being an important component of feminine roles and it is not forgotten that they are being performed by those who have a certain identity in the context of the family, i.e. as mother, as wife, as sister, and so on. Since women are mostly confined to the domestic sphere, their work falls into entirely different sectors. Where the family business consists of grocery, knitwear, embroidery, snacks, and other things which can be made at home, women are the main workers behind the scene. These are the unpaid family workers who may not be returned in the census under the category of workers. Most of the work that women do in the domestic set up is semi-skilled. There is a clear differentiation between work done for one's own house-hold and that done for others, so the question

51. Parmar, V. S.—Polyandry in the Himalayas, 1975 (forthcoming)

of doing this category of work for others does not arise It is only in un[illegible] nces that women of middle classes, who have no other qualifications [illegible] forced to do these jobs as a means of earning a livelihood, crafts like [illegible] and embroidery are in some cases adopted by women to make small p[illegible] sometimes without the knowledge of husbands Ideas of personal and fa[illegible] strong at this level, people take pride in the fact that their women do no[illegible] for others

3 271 This traditional concept of a women's role is gradually changing as gi[illegible] taking up white collar jobs In some families, the earnings of the girl are [illegible] providing her dowry and marriage expenses but gradually, the inhibition of [illegible] be supported by the earnings of a daughter is also breaking down There are e[illegible] of parents not wanting the daughter to get married, as it would deprive t[illegible] earnings

3 272 Amongst the well to-do also the spheres of men and women are well de[illegible] seperate With domestic help, the burden of drudgery does not fall on the women, [illegible] still expected to run the home and bring up the children Her precise activities woul[illegible] upon a rural or urban setting, level of education norms of segregation and seclusion, [illegible] of purity and pollution Home making is raised to a fine art and trifling details [illegible] exaggerated importance, but even here there is insistence on a role differentiation, ac[illegible] to conventions

3 273 On the question intended to evoke responses[13] on the pattern of division of l[illegible] by sex in the family, 84 1% respondents said that cooking is entirely a woman's job, [illegible] 3 84% said that it is shared equally As for sweeping and cleaning the house only 3 94% [illegible] that the work is equally shared and only 2 14% said that the work of cleaning the uten[illegible] is equally shared These two activities were undertaken only or mainly by men in less th[illegible] 1% cases Washing of clothes is shared by men to some extent In comparison to th[illegible] only 50 74% respondents said that care of children was in the hands of women, eithe[illegible] entirely or mainly, 28 90% said it was shared equally, and 10 05% said that men did [illegible] entirely Sharing in decision making about the household expenditure reveals a different [illegible] pattern Only in 28 18% cases, expenditure on food was decided entirely by women [illegible] Decision making seems to have been largely shared (48 48%) by men and women In 33 96% [illegible] cases decision about expenditure on education is entirely in the hands of men, as compared [illegible] 9 66% cases in which it is entirely in the hands of women Responses clearly indicate a pattern in which, besides equal sharing in decision making, more women take decisions about the kitchen, other domestic matters and matters concerning the future of the daughters More men exercise their judgement regarding choice of school, type of education and job the son should take As is to be expected various sociological and anthropological studies of village and of urban localities and communities clearly point towards male and female spheres of activity For example, in Gore's sample of Aggarwal families in and around Delhi, women were expected to remain at home and look after the kitchen 80% of the women were busy exclusively with household work They did not handle the money Desai's findings based on the replies given by 369 married women students tell us that a majority of men did not share the household work A study of 500 college students of Jhansi brings out a sharp contrast between the daily routine of boys and girls, between the restrictions on girls and relative freedom of movement for boys and between the range of exposure to the outside world and to their travel[14]

3 274 Notions of distinctiveness between the spheres of men and women, patterns of division of labour, and expectations of differential behaviour between the sexes have a direct bearing on the process of socialisation, on opportunities provided for the education and training of girls, on the kinds of ideals projected before them, on the kinds of expectations they come to have from life, and on the way they conduct their lives

---

Vide Appendix I

Gore M S *Urbanisation and Family Change* (1960), *Sample* 499 families;

Desai Neera (Co-ordinator) *Socio-Economic Background of Married Women Students of the University and their Educational Problems* (1969) Mimeographed Sample 369,

Saxena Gargi *Social Background, Values and Attitudes of College Students in Jhansi* Ph D Thesis, *University of Saugar*, 1972 *Sample*. 500

3.275 In the process of preparation for adult roles the spheres are distinct. However, amongst the enlightened sections this distinction may not be emphasised, but even here feminine tasks and over all abilities are assumed to be different. A girl has to be prepared for feminine roles as conceived by the stratum to which she belongs. Parents also have to take note of the attitude of the world outside the home, and special protection is needed for girls.

3.276 In the middle classes, distinction between femininity and masculinity gets crystallized for the children in the pattern of domestic responsibilities, distribution of financial resources, and planning for the future. Domestic work is the domain of women and in very few families are boys asked to share it. They may be asked to lend a helping hand in marketing and running errands, bringing medicine, and escorting sisters, but household chores are beneath their dignity. Boys interested in cooking, knitting, or embroidery hardly ever get any encouragement from the family members, instead they are often ridiculed and discouraged.

3.277 Girls are sent to school but they are not sufficiently motivated to achieve excellence; neglect of studies and lack of interest is easily condoned. Very few parents visualize a career for daughters. Their main interest lies in finding a good match for them. Still many parents view education as a security measure for unforeseen eventualities. Even where school or college performance is praised, lack of interest in household work is not condoned. Girls have to live a constricted life. In allocation of scarce resources, a daughter's education is often the first casualty. Parents are not inclined to undergo the inconveniences and strains involved in giving proper facilities to the daughter for better performance. At this level also girls may have to drop out because of family circumstances such as mother's illness or death. Attending functions like weddings and other ceremonies are considered more important than a daughter's education.

3.278 In the middle class families there is a premium on boys' education for it is essential to enable him to get a job. Parents are ready to make all kinds of sacrifices for the education of boys. Despite all the misgivings of modern times, they still hope that their efforts will bring them comfort in old age. Various sociological studies clearly bring out the fact that if the family does not have enough resources, even if the girl is brighter her brother will be sent for higher education and she will be told that ultimately she has to mind the kitchen. In fact, what is not always stated in so many words is the culturally determined attitude, that conservative parents cannot and should not depend upon a daughter for support.

3.279 It is necessary to note the effects of this emphasis on feminine roles on the development of personality and identity formation for girls. Girls receive informal education for roles which they are expected to perform in adult life. Many give up their ambition to take up career as these are regarded as incompatible with smooth and peaceful family life. They learn early in life that from a woman society expects greater flexibility of mind, capacity to adjust, and submissiveness. In respect of ideologies and values, girls feel that it is no use their committing themselves to any particular ideology because they may not be allowed to adhere to it after getting married.

3.280 Thus the constraints, visible as well as invisible, that are placed on girls have an effect on their personalities. Some of these girls join the work force of the country as white collar workers, in professions and take up careers like politics. This is either before marriage or after marriage. When married women work outside the home they enconnter problems of harmonising their two roles. They have to evolve a pattern in which they can play the two roles satisfactorily.

3.281 At the relatively lower economic levels, both in the rural and urban sections, girls start their contribution to the running of the household much earlier than boys. They take care of the younger siblings, help the mother in various domestic chores, and also participate in work of production which falls in the feminine sphere, or activities which fetch some income.

3.282 Both as preparation for adult roles and as a contribution to the work of the household, the girls' share is important. It is depressing to find that a fairly large proportion of girls are still out of school. In the rural areas there is a lurking fear that education makes girls less useful for adult feminine roles. If they get a little education they develop a distaste for the kind of work expected of them in the village and aspire to get married in towns. In fact, this problem is very real for the cultivators and artisans. It was voiced before the Committee

in very strong words in Himachal Pradesh and in Andhra Pradesh Educa
its recipients from their environment and creates a distaste for manual work

B Home and Work ·

3 283 In a discussion of the dual role of women we may first take note of t labour, both domestic and extradomestic In the rural areas, even those wi in the home, because of purdah or other norms of respectability, contribute activities such as dairying processing and storage of grains and other food st coir making, preparation of cowdung manure, and so forth It has been seen th direct contribution to the family economy and her actual control over many of gives her considerable power and initiative Their economic value to the famil own capacity to earn a living frees them particularly from rigid family controls, on them a certain measure of autonomy In contrast the lower middle class wome areas, who have little education and no independent source of income, are in a l tageous position because of stricter norms of behaviour and almost total dependence

3 284 In the social context, due to the low status attached to manual labour in o nd the cultural value associated with women s confinement to home, the work of r rban women as wage labourers, unskilled factory workers and menials is not co a better status

3 285 The average woman in rural areas can give little attention to the bringing up children With dual roles and without any mechanical aids for house work, she is overworked So also are the women engaged in unskilled or semi skilled work in orga and unorganised sectors in urban areas Overwork, more than a culturally acquired att of unconcern about public affairs, is responsible for the limited participation of women activities like those of the Trade Unions or political parties They may become vocal assertive only when non availability of essential commodities, or escalating prices threa to upset their household routine

3 286 It is necessary to assess the status of housewives of the middle and upper econom strata belonging to the urban areas and also the urbanised rural families Closely allied t this is the appraisal of the gains achieved in terms of status, by the women who have joined the work force in white collar professions The Reform Movements for the education of women in the late nineteenth and early twentieth century, along with the realisation of the need for a measure of economic independence[34] towards the late twenties and thirties of this century, helped to improve the position of women of this class to a large extent The passing of the Hindu Women's Right to Property Acts of 1929 and 1937 was an important measure to give widows some economic independence Later, organised efforts were made provide remunerative work to such women As the number of helpless women with ucation upto higher secondary or graduation is increasing need for work which suit their earlier status and which they can take up only after a brief training is also increasing Desertion and widowhood in this class often result in a sharp fall in the composite social status of the woman

3 287 Initially society accepted a widow s gainful employment and gradually a young unmarried girl's employment till she got married received approval After 1940, the Second World War gave an impetus to women s employment and even married women came forward to take up gainful employment In the post independence period, the structure of opportunities expanded education qualified more and more women for a variety of jobs, and economic compulsions increased

3 288 The socio-cultural environment of India has changed rapidly in the last five decades, especially in the quarter century after the attainment of India s independence Forces of modernization continue to make a powerful impact and the society has to respond to the new needs and urges of the people Mahatma Gandhi and other leaders who combined in hem the roles of social reformers and political leaders projected the vision of a new society he humble and the oppressed were to get a new deal and the women were to secure a easure of emancipation in the society visualised by them It is true that their philosophy d action did not bring about an instant transformation in social attitudes towards the men but it did nevertheless have a powerful effect, and over the decades legitimized

34 This is clearly indicated in the content analyses of newspapers and thi languages prepared for the Committee by Harshida Pandit and Sudha Gogate

many of the new roles contemplated for women. A series of powerful forces are in operation today to bring about perceptible changes in the social milieu. Education, with all its inadequacies, has made a definite impact. It opens up an arena in which women can compete freely with men and prove themselves. It also creates for them new avenues in the competitive employment market. The mass media, especially the films and radio, despite their faulty conceptualization and constricted reach have contributed towards refashioning social images and goals. The most significant impetus to change has been provided, however, by demographic pressures and economic compulsions. These have been responsible for women seeking to take advantage of the new structure of economic opportunities. Politicization and articulation of new ideologies has acquired a new meaning and a heightened significance in the changing economic context. In consequence, the legitimacy of the new roles for women is increasingly becoming a social reality. At least on the overt level the attitude to women has undergone significant modifications, although on the covert level the alteration in the basic attitude structure does not keep pace with the more explicit changes. Thus we find that there is a considerable role inflation, or at any rate a role expansion for women. Beyond their traditional roles they are called upon to assume several new roles also. This is true in particular for the upper stratum of the lower class and for the middle strata of the entire society in which education has been taken up as a mark of social respectability and also as an instrument of economic gain.

3.289 The persistence of traditional norms in regard to women's essentially domestic roles and the addition of new work roles in the wider society has created problems of adjustment for them. It has added to their burdens. Everyday domestic chores plus full time employment institute a workload that cannot be managed easily by them. On the domestic front there is little help; they cannot neglect their responsibilities in this sphere. The in-laws and even the husband and the children do not extend to them the measure of sympathy and support they need. Added to this are the latest prejudices and built-in rivalries that are constantly at work in the home atmosphere. These contribute considerably to the psychological stress that a working woman has to undergo. The lot of the working woman, unless she has a really well-paid job and a set of educated family members who are attuned to her psychological needs and physical capabilities, is not available. She has in fact to carry on two full time jobs leaving her little time for rest and leisure or for self improvement. The pattern for social interaction demanded by her out-of-home job cannot be smoothly worked out: the demands of the home and the built-in prejudices create impediments that cannot be managed easily.

3.290 New life styles of women are now visible. In pre-independence days some women had voluntarily decided against marriage in order to devote their life to the national cause or social service. Today in the professions, services, and in the field of social work, we have a number of successful unmarried women who enjoy high status. Along with married women, who are primarily housewives, there are women who combine home and work, and there are also those who may return to their work or take up a job after their children have grown up.

3.291 The pace of change in attitudes to women working outside the home or participating in public life has been slow and uneven. These attitudes are related to conceptions about women's inherent attitudes and capacities, her proper sphere of work, and men-women relationships. Thus, education as a field of employment is more popular because the hours of work are more or less fixed, work at home and outside can be satisfactorily combined, and the work involves less contact with men. Even in mixed schools and institutions of higher education contact with male colleagues does not have to be close. Work in the field of education does not conflict with traditional norms of femininity.

3.292 Although nursing does not conflict with the feminine ideal of service, the job involves contact with impure objects, contact with male patients, doctors and para-medical personnel, and odd hours of work, during night and day. It is only in recent years that nursing is becoming a more respectable and therefore acceptable calling in some regions.[55]

3.293 Entry in films or the professional theatre had been looked down upon by almost all sections of the community. In many regions participation in domestic performances was associated with particular castes and communities whose women were professional dancers and singers.[56] Now the situation has improved, though the prejudice

---

55. Infra—Chapter V.
56. For example, Tamasha & Lavani in Maharashtra, and Nautanki in U. P.

still persists. In the past, dancing and singing were associated with courtesans only, but gradually with the cultural renaissance, they are becoming more acceptable in society. Giving a remunerative performance before an audience may be accepted in large cities, but it would still be considered unbecoming for the wife or daughter-in-law in small towns. The All India Radio has helped greatly in weakening this prejudice. Teaching music or dancing or organising music programmes is now acceptable. However, living by music or dance performances alone is laden with problems which a woman finds difficult to manage as a career.

3.294 In small towns and villages young women, more so unmarried girls, find it very difficult to work because of the attitude of the people. A touring job is even more difficult. If a girl has been brought up in a traditional home she is likely to be handicapped by her own personality and if she has been brought up in a modern atmosphere she is likely to create more misunderstanding.

3.295 In recent years women have done well in administrative jobs. But in this field the difficulties are of a somewhat different nature. At the utmost, men are prepared to accept a woman as an equal but men still do not relish working under a woman boss.[57] The traditional conception of women's limitations and her proper place were responsible for the well-known episode in Uttar Pradesh when the Chief Minister Shri Charan Singh stated that women officers should not be entrusted with administrative responsibility. He thought that women were unfit for administrative jobs. The Press said that the Chief Minister was of the opinion that women were too 'delicate' to be entrusted with executive jobs. He also refused to meet a del[illegible] convey their protest. Earlier, he had abolished the [illegible] reports he exhorted the women to go back to their [illegible]

3.296 This may be an extreme case but it does indicate a certain way of thinking. There are many who share this view and relate the stories about the stupidity and failures of women in high positions, but who adopt a progressive posture in public.[59] The view that women do not possess the essential attributes of an officer to function in high executive ranks cannot be attributed to male chauvinism or a conservative attitude alone. Even some women appear to assume it tacitly. For example, Shivani, a popular woman writer in Hindi, has portrayed a fictitious women officer of the Indian Administrative Service in a manner that highlights the frailty of woman. Her novelette on this theme was serialized in a popular weekly and later issued in a book form. The book leaves an unmistakable impression in the minds of the common reader that women do not quite measure up to positions of higher authority.

3.297 The problems connected with dual roles of women may be viewed as those of burden of work, interpersonal relations within the family, and of role conflict. Gainful employment of wives is often viewed with a degree of ambivalence by men. It is approved because it lessens the financial burden and raises the standard of living. However, it can be a source of disruption in the smooth running of the household. The other aspect is the economic independence of women which is resented by many husbands. It is difficult to say how many women are in a position to take decisions about their own earnings. According to a study, the freedom of association and movement which outdoor work involves, is not approved of in many homes and puts a stigma on working women.[60] Even in those regions and communities which have had a long tradition of women working out side the home, husbands still do not tolerate women coming late from office.

3.298 Most men do not want to give up their traditionally superior position in the family and do not offer any assistance to their wives in domestic chores. In middle class families that cannot afford domestic help and in which the husband does not share any work, the burden on the wife can become unbearable. A change in older attitudes and values is essential for achieving rationalization of the load of the work. During our tours we were repeatedly told that men when living in the West helped their wives with domestic chores but when they returned to India, they stopped giving this help.

---

57 In 1967 a secretariat clerk in Maharashtra made a violent attack on his woman officer, because he could not tolerate being bossed over by a woman officer. 'Content Analysis of periodicals in Marathi' prepared for the Committee by Sudha Gorgate.

58 Times of India dated 19th July, 1970. Patriot, 18 July 1970.

59 From notes of an ICSSR IIAS Survey by S. C. Dube.

60 Ross, Eileen. *Hindu Family in an Urban Setting*, 1961.

3.299 Often women themselves do not like the idea of their husbands doing domestic chores as they consider that to be a feminine role. The attitude of relatives and neighbours is also unfavourable. They criticize working women as bad mothers and inefficient housewives. A study focussed largely on middle class working women of Patna reveals that husbands of 131 respondents thought that it was the wife's duty to carry out household jobs and to look after children. 66 were of the opinion that, since both were working, it was the duty of the husband to share some responsibility.[61] Many women have to leave their jobs in order to be able to do their household duties satisfactorily. This, however, depends on the financial condition of the family.

3.300 Although the in-laws still tend to expect the same amount of attention from a working woman as they would from a non-working woman, there are positive indications that the sitution is changing. When the women's earning is an absolute necessity for the family or if the woman has a well-paid and high status job, she does get consideration.

3.301 It is often remarked that if the woman has to spend most of her income on servants and conveyance her employment is of no use. But it is seldom understood that a career in itself has its rewards and satisfactions-

3.302 The situation of women tossed between work and home leads to a role conflict. Some of them develop a feeling of guilt that they are unable to look after the children and home properly. Working women tend to pamper their children because they want to make up for what they consider to be lack af proper attention on their part. This is because of their own role perception rooted in their socialization and the expectations of other members of the family. It is not realized that a child does not need the continued presence of its mother for its proper growth. nor is it realized that the other parent is as important for the healthy growth of the child. Role conflict makes working women tire themselves out giving personal service to the husband and attending to various tasks which are often beyond their physical capacity and endurance.

3.303 Besides the strains of shouldering the burden of dual roles and of facing a role conflict there is often another kind of strain arising from a lack of adjustment between a woman's position at home and in the place of work, She may be better educated and little paid than the husband but he claims absolute superiority over her at home. "The husband's denial of the right of the wife over her own earned money or her privileges to relax or to move about freely......was found to be related to his patriachal attitude towards husband-wife privileges and obligations."[62]

3.304 But the problem of status inconsistency is deeper than this. Unfortunately our society is extremely status conscious and status-bound. If the wife enjoys a higher status in her work place, her circle of associates are also of higher status, and however the wife may try not to bring in her office status at home, the husband's adjustment with her becomes difficult. He tends to consider it a reversal of roles. Such a husband tends to become more aggressive. Sometimes the wife also is to be blamed, for she too is a part of the status conscious society.

3.305 The situation in which the husband is employed in an inferior position in the same office or directly under the wife is perhaps the worst. Many wives are known to have deliberately refused promotions, in order to maintain peace in the family. Thus, when the position of the husband as the principal breadwinner, as superior to the wife, and as having authority in the family is challenged, serious problems can arise.

3.306 Another aspect of status inconsistency emerges in situations in which a wife has a relatively low status job with limited earning. For example, nurses marrying doctors are found to leave their occupation mainly for reasons of status. Stenographers and primary even middle school teachers have to leave their jobs after marrying business or executives and thus waste their training, aptitude, and-experience because these are low paid and relatively low status jobs. It has been found that sometimes these earnings of the wife may be necessary for the household, and because of the presence of relatives or servants in the house, the wife may not be occupied fully at home, but still her working in low status jobs is not allowed, for it brings down the status of the husband. An idle wife attuned to the life pattern of the husband is appreciated more. It is seen that a women is not allowed to work in low status positions even

61. Kalarani : *Role Conflict in Working Women*, Thesis for Ph. D., Ranchi University, 1974.
62. Kapur, Promilla : *Marriage & the Working Women*, 1970.

in an honorary capacity By leaving their jobs women are forced to withdraw the
that they were giving to their needy parents or siblings before marriage

3.307 It should be a woman's right to play a dual role A woman should not be pe
for her important contribution as mother in the perpetuation of society Childbear
treated as purely a matter concerning women and hence the attitude that a woman must
give up her job or her right to bear children A distinction between man's work and wor
work in respect of household jobs will have to be removed If what are called woman's
come to be respected by society, men will cease to hesitate doing these jobs This att
needs to be built into the socialization process of childern, both in the home and in
school

3.308 It is necessary to make adequate provisions to give women opportunity to do b
their jobs efficiently and satisfactorily To this end, it is necessary to provide for crech
nurseries, and labour saving devices Since all families cannot afford to buy gadgets it will
necessary to provide gadgets to do washing, vegetable chopping chapati making and suc
other things which make household work a drudgery

3.309 In the absence of many social and physical amenities like labour saving devices, eas
transport, creches, inexpensive processed foods, as also conditions of service, such as transfers
many women will have to remain principally mothers and housewives Some may have to
confine themselves to the role of a housewife while the childern are young If family is
important, home making is also important The inputs of household work and the mothers'
role in rearing of children need to be recognized by the family and the wider society.

3.310 The housewife certainly contributes, even though it may be indirectly, towards a
stable national economy by consolidating the economic structure of her own home Her
efficient management of her home alone ensures the saving potentiality of her earning
husband Recognition of her work for the purposes of 'national accounting' would
certainly enhance the status of woman and acknowledge the debt of society to her [63]

XV. Some Special Problems

3.311 In a rapidly changing and culturally differentiated society, a slow process of adjustment in its social value system and rigidity of its institutions, results in various forms of incongrous behaviour The changing social patterns without restructuring or redefining social values and norms always cause deviant behaviour Structural changes in the socio economic system are needed for a smooth process of adjustment

3.312 The special problems of women discussed in this section cannot be tackled by legal methods of penalisation and prevention alone but by providing institutional infrastructure for their reform and rehabilitation The gap in the perception of their needs and available opportunities, is conducive to exploitation of the weaker section of society and cannot be offset by development programmes alone but by adequate understanding of the magnitude and intricacies of the problem and providing supportive institutional framework

3.313 **Prostitution** Prostitution is the worst form of exploitation of women and as an institution it speaks of man's tolerance of this exploitation on an organised level in society
Woman is viewed solely as a sex object and as an outlet for man's baser instincts The
ondemnation of the woman and not the man is the continuance of the standards of dual
morality which prevail in most countries with regard to men and women Some societies have
ontinued to regard prostitution as a necessary evil and have tolerated it as such

314 The social anthropologists' explanation of prostitution is that it has been in existence
some form or other as long as society has attempted to regulate and control sex relation-
ps through the institutions of marriage and family Promiscuity or sexual communism
ceded marriage and family, and sex was shared by all without any taboo or control With
institutionalisation of sex behaviour through marriage and particularly in society which
great emphasis on the chastity of its women, prostitutes became a necessary evil In a
, they helped to retain the chastity and purity of women in society and hence performed a
al function. Even now among certain tribal communities entrance of women into com-
alised prostitution is a recent phenomenon and has only started with the advent of

63 Discussions on women held in the Constituent Assembly and the first Parliament relating to Funda-
Rights, Directive Principles and the Hindu Code Bill Dissenting note on the draft reported by Prof
nah

outsiders into the tribal community. In tribal communities which always enjoyed a certain degree of sexual freedom, the institution of prostitution did not exist. "In India, the emphasis on chastity value prior to marriage compelled women of deflowered innocence to court prostitution. Dowry among the upper castes has been a constraint in marriage and some frustrated women were forced to become prostitutes."[1] In parts of Andhra Pradesh, college girls and young women practice prostitution and save their earnings. Some even have pass-books in which they indicate their savings which they say will form their dowry to enable them to make a decent marriage "Child marriages and social discouragement of remarriage of young widows have greatly helped in the recruitment of prostitutes from village India. Caste inequality and sex exploitation by the economically well off castes are other factors."[2]

3.315 In the 19th century, certain social customs were responsible for many women resorting to this profession, who were otherwise outside the hereditary and customary groups of prostitutes.[3] The spread of child marriages, early widowhood, social taboos on widow remarriages, caste rigidity, dowry system and the practice of polygamy and polyandary among certain communities, the decay in the joint family system, and the generally low status accorded to women in society contributed to women being driven to prostitution as the only occupation for livelihood. At the same time, the beginning of industrialisation and consequent urbanisation in the later part of the 19th and early 20th cenrury, drew in a large number of women other than hereditary prostitutes into this profession. One reason was the wide sex disparity in the big cities when the migrant worker who had to leave his family behind in the village for mainly economic reasons, became a customer for the prostitute.

3.316 Briefly, the following social and religious customs which may have contributed directly or indirectly to prostitution are enumerated :

The Devdasi system which was so widespread in pre-independence India that it necessitated legal measures such as the Madras Devdasi Prevention and Dedication Act of 1947 and the Bombay Devdasi Protection Act of 1954 is a system that continues today in parts of Tamil Nadu, Mysore, Andhra Pradesh and Orissa, practised particularly by the lower castes. A study conducted in Bombay in the mid sixties reported that as many as 30% of the Bombay prostitutes were of Devdasi origin. In a study of the Bijapur district girls are still dedicated to the temples amongst certain sections of the lower castes and enter the occupation with the consent of the parents. No social stigma is attached to this. The reason is mainly economic. These girls are also taken out of the town or village by an agent and a large part of the earnings of the Devdasis goes to the family members and agents.[4]

3.317 Prostitution has been the traditional occupation among certain castes, for instance, the Naiks from the hilly regions of Uttar Pradesh where the woman is traditionally the bread winner and the men have to marry from another caste, as their own womenfolk take to prostitution. The Uttar Pradesh Naik Girls' Protection Act was passed as early as 1929, but the practice continues even today and Punekar and Rao's study indicated that 43% of the prostitutes were drawn from the Naiks of Utter Pradesh.

3.318 Certain Castes practise historical and traditional prostitution. A survey in the Raipur and Raigarh districts for the Committe on the Status of the Women found that very loose marriage ties in which adultery is scarcely regarded as an offence, encourages prostitution. "A woman may go and live openly with other men and her husband will take her back or two men each will place their spouse at each other's disposal." Women of the lower caste earn money and support themselves through prostitution which is carried on at the weekly bazaars or fairs. The women have historically been exploited by the higher castes, and are often handed over or mortgaged temporarily to creditors on return of loan. The men of the communities are fond of drinking and gambling and encourage the woman to earn money for them and emergence of the new industrial towns has encouraged commercialisation of prostitution.[5] The survey also found that agents and intermediaries come from outside the community and parents, in-laws and husbands take the initiative in getting women into prostitution for commercial gain. A large part of the income is sent back to the

1. Ranga Rao, M. & Raghavender Rao, J. V.—Prostitutes of Hyderabad—p.15.
2. The Prostitutes of Hyderabad—Rangarao M and Raghavender Rao, J. V.—PP. 15-16.
3 Such customary groups were the women attached to temples as devadasis or mangalmukhis or the courtesans patronised by royal and aristocratic families.
4. Trivedi, H. R.—A survey on Exploitation of Scheduled Caste Women undertaken by the Harijan Sevak Sangh for the Committee.
5. Ibid.

families Prostitution is the only way open to women to earn a liveli[h...]
No stigma is attached to the woman if she brings wealth or income from [...]
natal or conjugal home A recent study of the Immoral Trafficking [...]
Purola Block of Uttarkashi district—(U P)[6] reveals that a large number o[f]
lower socio economic communities go in for prostitution In 1969, 45 women [...]
remained in this profession for 3 years It was estimated that about a[...]
families were dependent on this profession on account of extreme poverty 60
Rawain area were operating in Delhi and 77 agents were engaged in procu[...]
prostitution The causes for prostitution were the high bride price and conseq[...]
ness of the couple who were forced to work as bonded labour The girl was the[...]
earn money to free the family from this debt through prostitution In other cases
a higher caste may pay bride price and contract a marriage with one or more g[...]
family and take her to Delhi and sell her into the trade In other cases D[...]
keepers used girls from Purola to entice other girls cousins etc by showing the[...]
life they could enjoy in the brothels According to one report the history of th[...]
the Rawain area is about 60 years old but it has increased recently, with the c[...]
officials and traders

3 319 Among the Bajgi caste in Purola region its occupation in service of the tem[...]
be closely connected with the large number of women who go into trade Th[...]
Devadasi System as such does not exist certain castes closely connected with work [...]
temple are more prone to prostitution Families of majority of these prostitutes are [...]
and upto 75% borded for life to upper caste money lenders Many of these comm[...]
belonging to lower socio economic groups, practise polyandry due to high bride [...]
Th s may be a sociological cause for the ease with which the women descend into prostit[...]
Women generally occupy a very low social position and labour ceaselessly in homes an[...]
the field once they are bought or sold Trafficking is on the increase in these regions
sometimes higher castes or powerful men in the village act as agents and are in liaison [...]
procurers and brothel keepers for taking young girls into prostitution

3 320 According to a sociological analysis[8] of Prostitution in India there are about 10 0[...]
dancing and singing girls in India usually known as Nautch girls This community practic[...]
the occupation on an hereditary basis in different regions The majority of Nautch girls' [...]
Delhi are Muslims The study also mentions a recent addition to the poor and customary
army of prostitutes from the middle class These women practice prostitution often with
the connivance of their parents or husbands in order to secure huge sums of money to keep
up an appearance of affluence Educated and outwardly respectable these women are
prompted to take to prostitution because of the undue emphasis on values of affluence
Middle class prostitution can ultimately be traded to the economic factor though it is the
cult of consumption which encourages this pattern of prostitution Large number of prosti
tutes also come from a group of women who have been deserted or abandoned by husbands
and have no other source of income or employment open for them According to the Com
missioner of Police Calcutta a large number of middle class families are surviving on
income from prostitution in the absence of alternative avenues of income A number of
these women are educated and quite a few are even graduates

3 321 The causes of prostitution may be classified into the following six groups[9]

(a) Natural events such as death of father/mother/guardian/husband or relatives
(b) Economic causes such as poverty and destitution
(c) Domestic causes such as ill treatment or neglect by parents, husband, or relatives
(d) Social causes such as kidnapping seduction, deception bad influence
(e) Causes of physiological significance such as sexual urge, illegitimate pregnancy, etc
(f) Causes related to mental disposition of attitudes such as ignorance desire for easy life and moral values

6 From the green Hills of Purola to the Brothels of Delhi and Meerut A paper prepared after [...]d study and survey conducted by the National Academy of Administration Mussoorie
7 Supra para 3.188
8 Oomen T K— Some Sociological Aspects of Prostitution. The Indian case —paper Presen[ted] [...] Triennial Conference of the International Alliance of Women —Nov 7 14 1973
9 Punekar S D & Rao A Study of Prostitution in Bombay - 1962 P P 91 93

outsiders into the tribal community. In tribal communities which always enjoyed a certain degree of sexual freedom, the institution of prostitution did not exist. "In India, the emphasis on chastity value prior to marriage compelled women of deflowered innocence to court prostitution. Dowry among the upper castes has been a constraint in marriage and some frustrated women were forced to become prostitutes."[1] In parts of Andhra Pradesh, college girls and young women practice prostitution and save their earnings. Some even have pass-books in which they indicate their savings which they say will form their dowry to enable them to make a decent marriage "Child marriages and social discouragement of remarriage of young widows have greatly helped in the recruitment of prostitutes from village India. Caste inequality and sex exploitation by the economically well off castes are other factors."[2]

3.315 In the 19th century, certain social customs were responsible for many women resorting to this profession, who were otherwise outside the hereditary and customary groups of prostitutes.[3] The spread of child marriages, early widowhood, social taboos on widow remarriages, caste rigidity, dowry system and the practice of polygamy and polyandary among certain communities, the decay in the joint family system, and the generally low status accorded to women in society contributed to women being driven to prostitution as the only occupation for livelihood. At the same time, the beginning of industrialisation and consequent urbanisation in the later part of the 19th and early 20th century, drew in a large number of women other than hereditary prostitutes into this profession. One reason was the wide sex disparity in the big cities when the migrant worker who had to leave his family behind in the village for mainly economic reasons, became a customer for the prostitute.

3.316 Briefly, the following social and religious customs which may have contributed directly or indirectly to prostitution are enumerated :

The Devdasi system which was so widespread in pre-independence India that it necessitated legal measures such as the Madras Devdasi Prevention and Dedication Act of 1947 and the Bombay Devdasi Protection Act of 1954 is a system that continues today in parts of Tamil Nadu, Mysore, Andhra Pradesh and Orissa, practised particularly by the lower castes. A study conducted in Bombay in the mid sixties reported that as many as 30% of the Bombay prostitutes were of Devdasi origin. In a study of the Bijapur district girls are still dedicated to the temples amongst certain sections of the lower castes and enter the occupation with the consent of the parents. No social stigma is attached to this. The reason is mainly economic. These girls are also taken out of the town or village by an agent and a large part of the earnings of the Devdasis goes to the family members and agents.[4]

3.317 Prostitution has been the traditional occupation among certain castes, for instance, the Naiks from the hilly regions of Uttar Pradesh where the woman is traditionally the bread winner and the men have to marry from another caste, as their own womenfolk take to prostitution. The Uttar Pradesh Naik Girls' Protection Act was passed as early as 1929, but the practice continues even today and Punekar and Rao's study indicated that 43% of the prostitutes were drawn from the Naiks of Utter Pradesh.

3.318 Certain Castes practise historical and traditional prostitution. A survey in the Raipur and Raigarh districts for the Committe on the Status of the Women found that very loose marriage ties in which adultery is scarcely regarded as an offence, encourages prostitution. "A woman may go and live openly with other men and her husband will take her back or two men each will place their spouse at each other's disposal." Women of the lower caste earn money and support themselves through prostitution which is carried on at the weekly bazaars or fairs. The women have historically been exploited by the higher castes, and are often handed over or mortgaged temporarily to creditors on return of loan. The men of the communities are fond of drinking and gambling and encourage the woman to earn money for them and emergence of the new industrial towns has encouraged commercialisation of prostitution.[5] The survey also found that agents and intermediaries come from outside the community and parents, in-laws and husbands take the initiative in getting women into prostitution for commercial gain. A large part of the income is sent back to the

1. Ranga Rao, M. & Raghavender Rao, J. V.—Prostitutes of Hyderabad—p.15.
2. The Prostitutes of Hyderabad—Rangarao M and Raghavender Rao, J. V.—PP. 15-16.
3 Such customary groups were the women attached to temples as devadasis or mangalmukhis or the courtesans patronised by royal and aristocratic families.
4. Trivedi, H. R.—A survey on Exploitation of Scheduled Caste Women undertaken by the Harijan Sevak Sangh for the Committee.
5. Ibid.

families Prostitution is the only way open to women to earn a livelihood for the
No stigma is attached to the woman if she brings wealth or income from prostitution
natal or conjugal home A recent study of the Immoral Trafficking in women fr
Purola Block of Uttarkashi district—(U P)[4] reveals that a large number of girls fro
lower socio economic communities go in for prostitution In 1969, 45 women had entere
remained in this profession for 3 years It was estimated that about approximatel
families were dependent on this profession on account of extreme poverty 60% of girls
Rawain area were operating in Delhi and 77 agents were engaged in procuring wome
prostitution The causes for prostitution were the high bride price and consequent indeb
ness of the couple who were forced to work as bonded labour The girl was then compelle
earn money to free the family from this debt through prostitution In other cases, a man fr
a higher caste may pay bride price and contract a marriage with one or more girls of a po
family and take her to Delhi and sell her into the trade In other cases, Delhi broth
keepers used girls from Purola to entice other girls, cousins etc by showing them the ea
life they could enjoy in the brothels According to one report the history of this traffic i
the Rawain area is about 60 years old, but it has increased recently, with the entrance o
officials and traders

3 319 Among the Bajgi caste in Purola region its occupation in service of the temple may be closely connected with the large number of women who go into trade Though the Devadasi System as such does not exist, certain castes closely connected with work of the temple are more prone to prostitution Families of majority of these prostitutes are landless and upto 75% bonded for life to upper caste money lenders Many of these communities belonging to lower socio economic groups, practise polyandry due to high bride price ? This may be a sociological cause for the ease with which the women descend into prostitution Women generally occupy a very low social position and labour ceaselessly in homes and in the field once they are bought or sold Trafficking is on the increase in these regions and sometimes higher castes or powerful men in the village act as agents and are in liaison with procurers and brothel keepers for taking young girls into prostitution

3 320 According to a sociological analysis[5] of Prostitution in India, there are about 10 000 dancing and singing girls in India usually known as 'Nautch girls' This community practices the occupation on an hereditary basis in different regions The majority of 'Nautch girls' in Delhi are Muslims The study also mentions a recent addition to the poor and customary army of prostitutes from the middle class These women practice prostitution often with the connivance of their parents or husbands in order to secure huge sums of money to keep up an appearance of affluence Educated and outwardly respectable, these women are prompted to take to prostitution because of the undue emphasis on values of affluence Middle class prostitution can ultimately be traded to the economic factor, though it is the cult of consumption which encourages this pattern of prostitution Large number of prostitutes also come from a group of women who have been deserted or abandoned by husbands and have no other source of income or employment open for them According to the Commissioner of Police, Calcutta, a large number of middle class families are surviving on income from prostitution in the absence of alternative avenues of income A number of these women are educated and quite a few are even graduates

321 The causes of prostitution may be classified into the following six groups [6]

a) Natural events such as death of father/mother/guardian/husband or relatives
b) Economic causes such as poverty and destitution,
) Domestic causes such as ill treatment or neglect by parents, husband, or relatives
) Social causes such as kidnapping, seduction, deception bad influence, etc ,
Causes of physiological significance such as sexual urge, illegitimate pregnancy,
Causes related to mental disposition of attitudes such as ignorance, desire for easy life and moral values

---

From the green Hills of Purola to the Brothels of Delhi and Meerut A paper prepared after
y and survey conducted by the National Academy of Administration Mussoorie
Supra para 3 188
Oomen T K— Some Sociological Aspects of Prostitution The Indian case —paper Presented to
al Conference of the International Alliance of Women —Nov 7 14 1973
Punekar S D & Rao K Study of Prostitution in Bombay - 1962 P P 91 92

Types of Prostitutes:

3.322 The present practitioners of this trade can broadly be divided into two groups—herditary class, where prostitution is the ancestral profession and the non-herditary class who are driven to prostitution or introduced to prostitution due to number of reasons such as economic distress, desertion, destitution, lack of protection family problems or pathological reasons, desire for easy life, etc. The report of the Committee on Moral and Social Hygiene of the Central Social Welfare Board in 1958 divided the prostitutes into four groups, namely (1) heriditary (community, customs and social patterns), (2) religious or traditional, (3) victims of social and sociological conditions and (4) highly sexed, pathological cases.

3.323 Prostitution must be viewed not from the traditional or historical aspect, but as a form of exploitation of women and girls. According to Gandhiji, "Man is primarily responsible for the existence of these unfortunate members of society." Prostitution has now been commercialised and a number of intermediaries, the brothel keeper, the pimps and touts for whom the profit motive has become the guiding principle, has increased the exploitation of women and girls.

3.324 Taking into consideration the three elements of prostitution payment, promiscuity and emotional disturbances there can be two broad categories-professional and non-professional (clandestine). Professional or the public prostitute derives her sole and only livelihood from this profession in a brothel or in red-light districts in big towns. The higher type in this profession are street walkers and 'call girls' who find their clients in hotel lobbies, bars and luxurious establishments. Non-professionals are those who conduct the business in a clandestine manner.[10]

3.325 Prostitution represents the exploitation of the poor by the rich and of women by men. If women have really to reach the level of equality with men, society should be in a position to ensure economic, social and psychological security for the traditionally exploited women folk. Prostitution is the worst form of women's exploitation and inequality.

3.326 What must be emphasised is the growing commercialization in the exploitation of women and girls. While the urbanization process and industrialisation with its accompanying evils, particularly socio-economic insecurity, poor living conditions, etc., are important forces for the increase of prostitution in recent years, this profession like any other, operates on a commercial basis according to the law of demand and supply. The growing incidence of prostitution in metropolitan cities and urban areas is an indication of the growing demand on the one hand and poverty on the other. Some sociologists have emphasised the role of economic factors over and above the traditional and customary factors, such as poverty, low wages, lack of gainful employment, partial or complete unemployment are contributory factors that constrain helpless women to embrace prostitution.

3.327 The increasing commercial aspect is represented in the host of intermediaries and allied trades which gather around prostitution. The most important ones are the procurers, pimps, land-lords, musical instrument players, intoxicant sellers, panwallas, hotel keepers, flower sellers and the rough elements whose help is sought for protection. Some intermediaries work on a commission basis, like pimps. Procurers are engaged in the purchase and sale of women. The Survey of Exploitation of Scheduled Castes women has also emphasised that commercial prostitution has gained preponderance over the sacred or traditional prostitution, which used to be practised in the Bijapur region. An agent usually contacts a family and buys the girl or a fake marriage is declared and she is taken out of the town or village to practice this trade.

3.328 Once these girls have been lured or enticed, and in some cases forced into this profession, they are taken to a brothel. If the girls are unwilling, they are mercilessly beaten and punished and even locked up if they do not do what the brothel keeper or gharwali desires. Their status is that of an employee and their income is divided between the brothel keeper and as commission for the pimps and procurers. The rest is taken up for rent, lodging and food, while the remaining income is so small that the prostitute has hardly any saving or security for old age. They are fully exploited by the brothel keeper who enters into a bargain with customers and the prostitute has no choice, but to follow his or her orders. They are kept strictly under control and surveillance of the brothel keeper and

10. Punekar & Dixhit - "Economic and Social Status of Prostitutes & Devdasis" - Tata Institute of Social Science,

his hired men The prostitute is not permitted or encouraged to save or keep any which are usually stolen As she grows older, a prostitute desires to set herself brothel keeper, if possible or amongst some of the traditional communities like the the Bednies and Takyaies they admit their daughters into the profession when grown up She herself initiates her into the profession so that she may continue to s herself through the daughter s earnings Amongst Deredar girls they are given t in music and dance by their mothers from girlhood so that their mehfils and majo large number of customers In some cases after a woman has been in the professi 10 to 15 years and is not able to attract customers she is thrown out on the streets by thel keepers and is reduced to beggary 11

3 329 In certain tribal regions particularly where new projects for construction industr mines etc have been established contractors traders and petty officials have seduced then abandoned tribal girls These girls have been forced into prostitution because they h been alienated and thrown out of their own tribal society In Balrdila (M P) for examp serious situation was created but the management forced the men to marry these tri rls and thus saved them from drifting into prostitution Generally such strong measur e not resorted to and the fact remains that a very large number of tribal girls are bein red into prostitution by unscrupulous men who have made this a very profitable business

3 330 The Suppression of Immoral Traffic in Women and Girls Act 1956 repealed all previou enactments passed by the State and brought uniformity in the law The Act aimed at the Suppression of commercialised vice and not at the penalisation of the individual prostitute or of prostitution itself 12 In one case the individual prostitute can be penalised It is where she carries on prostitution within a distance of 200 yards of any place of public religious worship educational institution hostel hospital nursing home 13

3 331 According to Senior Police officials this section has severely restricted their powers for suppression of this traffic

" This restriction needs immediate amendment as the vice of prostitution has gone to posh colonies where the pimps have hired modern houses to run this profession In the absence of these premises situated within 200 yards from the places as envisaged above it is not possible to prosecute such women or girls soliciting their bodies for immoral purposes " 14

3 332 Another practical difficulty imposed by the Act itself is the provision for witnesses Section 15 (2) of the Act lays down that Special Police Officers conducting the raid shall call upon two or more respectable inhabitants at least one of whom shall be a woman of the locality in which the place is situated to attend and witness the search Police officers have pointed out that this proves to be extremely difficult particularly in the case of a woman witness Considering the social conditions existing today in our country no respectable man/woman would like to help the police in the sex offences If anybody turns up for such help he has to face harassment and even repent for his action as the persons prosecuted are themselves criminals or are supported by them At first these witnesses are lured with money wine and women If these tactics fail they are threatened with dire consequences with immediate danger to their lives and properties Efforts were made to procure witnesses through welfare associations and agencies but all in vain A letter was written to the Association for Moral and Social Hygiene in India for furnishing some names of social workers including lady social workers so that they could be contacted at the time of raids on brothels and places of disrepute They have replied that although the memb rs f the Association are very sincere workers they are not certain whether any of them would e prepared to come forward during raids and face cross examination in Courts " 15

333 Social workers and police officers have repeatedly brought to our notice that the nishment imposed under the Act is inadequate to deter people from this crime particularly view of the enormous income that can be earned from this traffic

---

Mathur A S and Gupta B L *Prostitutes and Prostitution* page 10

Beotra B R Suppression of Immoral Traffic in Women and Girls Act 1956 1970 p 10

Sec 7 of the Act

Sahney M L D S P Crime Branch New Delhi in paper presented to Jud al Sem nar on Correc ional Serv ces February 1974

5 d

3.334 It has been realised that the Act was itself not sufficient to control this commercial exploitation and traffic in women. In fact the number of prosecutions under this Act have been very small in comparison to the volume of the traffic. A report of the Central Bureau of Correctional Services indicates that while the number of prosecutions under the Act has increased from 6428 in 1965 to 7573 in 1969 i, e. by 17.8%, the rate of prosecution for the same period has gone down by about 10%. About 58% of these persons were only fined, 14% acquitted and 8% were released on admonition. Only 11% were sentenced to imprisonment with a fine which is nominal (Rs. 200/-) and 4% without fine. 78% were charged under the Act for seducing for purposes of prostitution (Section 8 of the Suppression of Immoral Traffic Act). During the same period the number of such women rescued declined sharply. Only 7.2% were charged under section 4, i. e. living on the earnings over the age of 18. The law only prosecutes persons over the age of 18 years for living on the earnings of prostitutes but exceptions are made in favour of mother, son, daughter and sister or other persons unable to support themselves on account of age or mental and physical incapacity.[16]

3.335 The Department of Social Welfare set up an Expert Committee in 1968 to consider various proposals and suggestions for enlarging the scope of the Act with a view to make it more comprehensive; various amendments are under consideration.

3.336 It is important that certain changes be made in the Act to help eradicate this social evil. It is essential to prevent the women caught under this Act from returning to the profession by adequate rehabilitation arrangements. The persons who pay for their bail are invariably the procurers or brothel keepers. Instead of sending the women and girls to jails, it is necessary to send them to protective homes. The age limit should also be lowered from 21 to 18 years. Adequate arrangements should be made to give protection to girls and women in moral and social danger particularly destitute women, unmarried mothers and helpless young widows. At an orientation camp of the Association for Social Health in India held in March, 1974, one of the participants suggested improving the existing institutionalised services providing proper protection for abandoned and illegitimate children, specially girls, as a method that may help control prostitution. As far as the rehabilitative aspect is concerned, the Rama Rau Committee, 1954, had said that the after-care homes are not adequate and they should be associated with some programme to help prostitutes earn a decent living. Those who are detained under the Act require long-term treatment for rehabilitation. Special counselling service towards better understanding of the problems of prostitutes is important. The children of prostitutes should be prevented from entering the profession, especially the girls. They should be segregated from their mothers and institutionalised, but not in special homes which would put a social stigma on them. Women and girls, who do not wish to continue in this profession, but are compelled to do so for economic reasons should be rescued and engaged in remunerative work. There is, therefore, greater need for understanding the cause underlying prostitution and to make efforts to prevent more women from entering this profession as well as to rehabilitate those who are already victims of the trade.

3.337 These women need to be rehabilitated and their emotional and psychological problems are to be tackled with understanding. The most significant aspect is preventive. This applies particularly to women and girls in moral danger. An important segment of this group are women who are victims of family discord. Counselling services could help them and prevent their taking recourse to this profession. Counselling centres should also have homes for such women.

3.338 **Women in Prisons:** According to recent estimate women members constitute about 4.3% of the convicts and 3.2% of the undertrial prisoners, 73% of female convicts and 54% of undertrials are from Andhra, Maharashtra and Tamil Nadu. Since they constitute numerically a small segment of the total convict population, the condition of women prisoners has not received adequate attention. 72% of the female convicts are between 21-40 years of age, and around 10% are between 16-20. 12% of women convicts are illiterates, 73% of them are married, 15% unmarried and 12% are widows. This means that a large section have children, who are either deprived of maternal care or in the case of very young children, are living with their mothers in prisons.

3.339 It has been found that more women serve short sentences as compared to men. Habitual proneness to crime is found to be less among them. This also means that a large

16. Implementation of S. I. T. in Women and Girls Act - A statistical analysis 1965-69. C. B. C. S. - Department of Social Welfare, Government of India.

majority of women prisoners are 'freshers' and are exposed to the influence of pri
for the the first time We would like to draw attention to the fact that the Law Com
has recommended that convicts on short term sentences should not be sent to prison,
they are exposed to the unhealthy influence of hardened criminals

3 340 Separate living quarters or wards with female wardens or matrons are provid
women as a rule In rare cases child care services or creches for mothers in prison
available in a few States Training in skills such as niwar and dari making, tailo
spinning, weaving, bidi making, embroidery, etc, are not necessarily in tune with m
labour requirements or conducive to self employment

3 341 The background of women prisoners studied by one or two experts reveals that th
crime comes mainly from poverty or social helplessness Most common are pickpocketi
attempted suicide, family feuds and domestic quarrels, questions pertaining to the custo
of children, strangling of illegitimate infants, destitution or vagrancy and murder of a lover

3 342 The generally low level of literacy among women convicts, except for Kerala, wher
45% of women convicts were illiterate, reflects the lack of effort by prison authoritie
to educate them In general ' the women sections of the jails have practically no positive
education or work programmes, presumably due to few prisoners they cannot participate
in the general routine of work due to strict segregation Sometimes the women prisoners
have dependent children with them for want of any family arrangement outside Life for
these young ones can be equally futile Efforts to get up creches for children of women
prisoners did not succeed due to very small number of children ' Discrimination against
women is prevalent, since they hardly share any of the privileges available to men convicts
such as wage system, canteen, out door work, PT drill, library or prayer meetings or general
recreation, or holidays This is explained by the problems of segregation and inadequate
staff to organise such activities for women

3 343 It has been reported to us by senior officials of the police force that in some prisons,
lunatics, both criminals and non criminals, are housed along with other women prisoners
This appears to us to be not only unhealthy, but a dangerous practice We fail to under
stand how any reform or rehabilitation of these convicts or the treatment of these lunatics
is at all possible under these circumstances Another problem that has been brought to our
notice is that women prisoners are often sent to places away from their residence This
makes it impossible for their family, particularly children, to visit them This isolation
increases the difficulties of rehabilitation and readjustment to family life on their release

3 344 The Committee feels that the problems of women prisoners deserve special attention
particularly with regard to the care of the children if any, their rehabilitation and education
Since most of the women prisoners cannot return to their families or do not have fmilies
to return to after they are released, suitable arrangements for their rehabilitation needs to
be considered along with after care programmes While in prison, these women must be
taught some activity or imparted training in a skill which would enable them to earn their
ivelihood on release A suggestion made to us is to involve women's voluntary organisations
or arranging useful educational, recreational and work programmes for women in prisons
uccessful results have been seen in Maharashtra and Gujarat State where long term women
risoners are released to the care of recognised women's institutions run by social welfare
encies

345 Suicide Suicide is a social problem affecting both men and women However, a
dy of the causes and factors for committing suicide provide an indication of the status
women Suicide is a 'reaction to problems that apparently cannot be solved in any
r way-a final response which a human being makes to inner emotional distress'
ural patterns, socio-economic conditions, and group activities influence the extent of
des and act as inhibiting or encouraging factors In India, the medieval Hindu
ution of 'Sati', which was finally stopped due to vigorous efforts of social reformers
aja Ram Mohan Roy in the 19th century, was the earliest institutionalised form of
e for women Though it was thought to have had religious sanctions, it arouse out of a
system which had degraded and dehumanised the widows Regardless of age, a number
se widows had to mount on the funeral pyre of their husbands forced by relatives and

---

Shah J—Women in Prisons—paper prepared for the Committee, Karkaria B J, in Illustrated
f India August 1974

others. The prohibition of widow remarriage, the austerity imposed upon a widow and the cruel treatment meted out to her must have persuaded some of them to end their lives on the pyre in preference to leading a miserable existence. According to the vital statistics on deaths by causes and sub-causes prepared by the Registrar General's Census (Sample Registration System), suicides were reported to be the highest for women in the age-group 15–34, both in 1966 and 1969. The overall incidence of suicide for women was reported to be higer than males in 1966 and 1969, but it declined in 1967 and 1968.

3.346 In 1970 on an average 41.4% of the persons who committed suicide were women. Among causes for suicide, the following were listed : 1) despair over dreadful disease 14.1% (2) quarrels with parents-in-law 8.6% and (3) quarrels with married partners 6.3% as the major factors. An analysis of the percentage distribution of total deaths by cause and sub-cause for women indicates that the maximum percentage of suicides occurred in the age group 15–34, the second largest being in the 35–54 age group.

3.347 It may be assumed that in this age group, "suicides committed by females were mainly due to quarrel with parents-in-laws and quarrels with married partners. The joint family system still prevails in India, therefore, the suicides by females may be taken to reflect the extent of oppression of the daughter-in-law in the joint family at the hands of the in-laws."[18]

3.348 Though no national survey or in-depth study on a national scale on the causes of suicides have been done so far, the report of the Suicide Enquiry Committee in Gujarat State studied the problem of suicides between 1960–64 in the State. The study found that the number of women committing suicide for physical factors, mental factors and social and domestic factors, were larger than men, being respectively 514 males for 516 females, 431 males for 513 females, and 562 males for 1,192 females. As far as the economic factors were concerned, 256 men committed suicide as compared to 55 women. For miscellaneous factors 292 males committed suicide as compared to 196 females.

3.349 A further analysis of the social factors indicates that out of 1,784 persons, 1,192 women committed suicide, and out of these the largest number were due to failure to adjust in matrimony, domestic unhappiness or ill-treatment at the hands of relatives. These were further cross-analysed with levels of education and a definite negative co-relation between the educational level of women and the number of suicides was observed. The percentage of illiterate females constituted 61.9% of the total cases of female suicides. As the educational level increased, the number of suicides decreased. Among the number of persons who committed suicide due to unhappy human life and other factors, the largest were from the illiterate group, next being literates below primary level, followed by primary, middle and higher categories. Significantly 1,058 married people against 95 single people commit suicide due to domestic unhappiness and out of these 836 were females which corroborates the statement about suppression of women in married life particularly by in-laws.[19] The study established that more women in the 15–34 age group commit suicides due to domestic unhappiness.

3.350 This Report pointed out the 'cultural lag' in our social institutions which have not kept pace with educational and technological advance as the basic cause behind the suicides. It listed as reasons, the lack of freedom in the choice of the marriage partner, changes in the family units and especially joint family relationships, child marriage, dowry and lack of education about sex and married life among others.

3.351 The report recommended homes for women to which they can resort in times of extreme hardship or family estrangement. Some voluntary homes have been established in Gujarat.

3.352 An earlier survey of suicides in Bombay State in 1954-57, indicated that the existence of suicide per population is 3.4 males and 3.9 females in Ahmedabad range, 4.1 males and 8.9 females in Rajkot range per one lakh of the population. The highest number of suicides was in the rural areas. 2,006 females who commit suicide out of 5,173 were in the 15-24 age group. The highest number of suicides was by women due to domestic quarrel. 75.8 per cent of the females were from the literate group. The Suicide Enquiry Committee of

18. Shah, Dr. Jyotsna H.—"*Status of Women and Suicide*" page 35.

19. Ibid Page 39

Saurashtra in 1952-55 also bore out the fact that twice as many women commit sui
men

3 353 Though apart from Maharastra and Gujarat, data on suicide and causes is l
from other states, suicide remains a widespread social problem There are various
appearing in the daily Press from time to time giving news of women who die due to inj
received from burns, etc Some of the reported accidental deaths due to burns etc
very well be self inflicted The majority of these women are housewives in the suscep
age group mentioned above

"The causes have to be searched for in our social structure, enjoining upon won
an inferior status and position, socially, economically and culturally "[20]

3 354 Another cause that in our opinion also pushes many women to end their lives
breakdown of the family economy In recent years there have been reports of wome
committing suicide along with their children The burden of economic insecurity and gri
poverty presses more heavily on women's minds particularly when she has children to feed
This increasing strain causes complete breakdowns in many cases The absence of socia
security or adequate employment opportunities leaves a woman utterly helpless, in the
absence of a breadwinner in the family Rather than see her children starve it is not
unnatural for her to prefer ending her life Suicides thus represent a serious malaise in
social organisations, which will increase as life becomes harsher with increasing poverty
and destitution

3 355 Unmarried Mothers Data on unmarried mothers is not available as there has been no
attempt to examine the prevalence of this problem by any agency Nevertheless it remains a
social problem Some indication is available in the Report of the Suicide Enquiry Committee
which studied suicides in Gujarat between 1960-64 One of the causes of high rate of suicide
among women was due to illegitimate pregnancies Some time back, a leading gynaecologist
had observed that there was an increase in the number of abortions asked for by unmarried
girls after passing of the Medical Termination of Pregnancy Act [21] Social workers have
long been aware of the problem of illegitimate pregnancies and unmarried mothers Before
the liberalising of the Abortion Act these women and girls had either to resort to quacks
for abortions and in the process a number of women may have lost their lives The other
alternative was to abandon such children in the destitute homes Very often these unmarried
mothers joined the ranks of the destitute women and were exposed to moral and social
danger Some of the women in the brothels may have initially joined the profession because
of this stigma While some of these illegitimate pregnancies may be due to rape, others
were due to unhappy or maladjusted family life, broken homes, sexual maladjustment or
even ignorance A large number of women who were pushed into prostitution or into
comitting suicide did so because society does not accept an unmarried mother

3 356 At an orientation camp held by the Association of Social Health in March 1974,
some experts have advocated sex education since a great deal of confused thinking prevails
vith regard to sex A medical expert citing case histories and research findings said, "there
s either complete ignorance or complete misunderstanding about the role of sex and this
esults in social and sexual maladjustments This calls for evolving an intelligent and com
rehensive programme for sex education " [22]

A medical expert at the same seminar cautioned against the alarming rise in venereal
liction among teenagers, due to profound socio economic changes in society over the past
decades They advocated sex education, health education to control this Apparently
stitution accounted for only 20% in the spread of V D infection [23]

7 The Committee in the course of its tours met a few such cases in women's homes
e of them had conceived as a result of rape, but the refusal of the family to accept
or assist them in any manner had wrecked their lives completely In one instance,
dhra, the father wanted to kill her, but the mother, with the assistance of a school
r, got her admitted into a women's home The number of such homes are most
quate and very little is known about them, particularly in the villages

Ibid P 49
Report 1st December 1973 Workshop on Abortion Organised by International Alliance of Women
ndia Women s Conference in Bombay
A Resume VIII All India Orientation Camp 14—20 March 74 Association for Social Health in
7
Ibid P 12—14

3.358 The problem of unmarried mothers is a result of rapid socio-economic change. The value system is changing and the struggle for existence brings out tensions leading to deviant behaviour. In Western countries it was found that the existence of this problem rapidly increased with increasing urbanisation, growing affluence and the cult of materialism. The resultant break down of the moral order systems leads to the disintegration of traditional social values. Indian society even now practices segregation of the sexes and tremendous emphasis is placed on the chastity of women. Under such circumstances the tensions are often aggravated and problems become manifest.

3.359 We feel that this problem requires much greater attention than it has received so far from both official agencies and voluntary welfare organisations, particularly as the indications of its increasing incidence are already manifest. It is important to provide adequate assistance to these women for their rehabilitition and care for their children. Counselling services are essential to persuade families to take a more humane view of this problem.

Aged women

3·360 Traditional Indian society had through the joint family system provided for the care of aged persons. Even in the absence of the joint family, traditional norms of behaviour required the children to take adequate care of their aged parents and grandparents. The pressure of socio-economic changes, the break-down of the joint family and of traditional values have increased the significance of the problem of care of aged persons. It is easier for old men to live on their own but it is much more difficult for women. Most of them are economically helpless; even the minority, who may have some source of income are not in a position to look after themselves or protect themselves. This problem was brought to our notice by the Ramakrishna Mission in Banaras which is running a home for old women.

3.361 The Committee also visited an old-age home in Poona where all the inmates were from well-to-do families. Their relatives were paying Rs. 125/-per month for food and lodging and some of them were paying for extra services like milk etc. These women had been sent to the homes because they could not get along with their daughters-in-law. We also heard of cases where old women were living in destitute homes, not because they were destitutes but because there were no other homes available for them and the only way they could enter these homes was by declaring themselves destitute. It was also brought to our notice that these women, even if they have any family, are seldom visited by them.

3.362 A number of State Governments are operating schemes for old age pensions and the annual expenditure on such schemes is now about Rs. 10.00 crores. The reports received by us in most of the States indicate, however, that the amounts are very meagre, and the number of pensioners falls far short of applications or even recommended cases. We were also informed that because of their helplessness these pensioners have to give a share to the intermediaries, who assist them in obtaining the pension. This becomes a continuous process, because the women are threatened that without the commission the Government will be informed of their death so that the pension will cease. We were also told that payments are not always regular causing great hardship.

3.363 In the changing social mileu the problem of aged women who are regarded as encumbrances by their families is going to increase. Greater attention to their assistance and care is necessary from the State and voluntary agencies.

Destitute Women :

3.364 It was reported to us in many places that the number of destitute women has been increasing in recent years. According to one report, a large number of such women are found scrounging for small fish in the nullahs along highways leading out of Calcutta. A majority of them are elderly women. In a village in Birbhum we met a group of Santhals women who had been reduced to complete destitution because their ill health and age prevented them from obtaining any employment. They were agricultural labourers whom the land owners would no longer employ.

3.365 A large group of destitute women are widows and deserted women who have no means of support for themselves or their children. They swell the ranks of beggars and are exploited for immoral traffic. The Department of Social Welfare has estimated that about 1 lakh women, in the age group 20 to 44, join the ranks of destitutes every year. We believe this to be very short of reality. Institutionalised services now available for

them are highly inadequate, both in numbers and in the type of services provide
rehabilitation Services for this group have only touched the fringe of the problem
imperative to obtain more reliable data to assess the magnitude of the problem and org
adequate services for their rehabilitation

Recommendations

3 366 The reviews of the disabilities and constraints on women, which stem from so
cultural institutions, indicates that the majority of women are still very far from enjoy
the rights and opportunities guaranteed to them by the Constitution Society has not
succeeded in framing the required norms or institutions to enable women to fulfil t
multiple roles that they are expected to play in India today On the other hand t
increasing incidence of practices like dowry, indicate a further lowering of tl
status of women They also indicate a process of regression from some of the norm
developed during the Freedom Movement We have been perturbed by the findings of th
content analysis of periodicals in the regional languages, that concern for women and thei
problems, which received an impetus during the Freedom Movement, has suffered a decline
in the last two decades The social laws that sought to mitigate the problems of women in
their family life have remained unknown to a large mass of women in this country who
are as ignorant of their legal rights today as they were before independence

3 367 We realise the changes in social attitudes and institutions cannot be brought about
very rapidly It is, however, necessary to accelerate this process of change by deliberate
and planned efforts Responsibility for this acceleration has to be shared by the State and
the community, particularly that section of the community which believes in the equality
of women We, therefore, urge that community organisations particularly women's
organisations, should mobilise public opinion and strengthen social efforts against oppressive
institutions like polygamy, dowry, ostentatious expenditure on weddings and child marriage,
and mount a campaign for the dissemination of information about the legal rights of
women to increase their awareness This is a joint responsibility which has to be shared
by community organisations legislators who have helped to frame these laws and the
Government which is responsible for implementing them

CHAPTER IV

WOMEN AND THE LAW

4.1 One of the main characteristics of modern society is a heavy reliance on law to bring about social change. This is particularly true of countries which had for centuries been under foreign rule and attained independence after a long struggle. Inequalities and exploitation, generated or intensified by colonial regimes, cannot certainly be eliminated by freedom from foreign rule only. The tasks of social reconstruction, development and nation-building all call for major changes in the social order, to achieve which legislation is one of the main instruments. It can act directly, as a norm setter, or indirectly, providing institutions which accelerate social change by making it more acceptable. One example is the introduction of compulsory education.

4.2 Like other colonial countries, independent India has also relied heavily on legislation in its effort to usher in a society where there will be no discrimination or inequality. It has sought to protect the interests of those who suffer from social and political disabilities by penalising the practice of untouchability, eliminating caste distinctions and so on. By clearly emphasising the principle of equality and removing all legal discrimination *inter-alia* between sexes, our leaders have shown their acceptance of the view that to achieve liberty there must be complete liberty for women and "all legislative traces of the inequality of women without exception must be removed,"[1]

4.3 Stress on the removal of discrimination and special protective legislation for women was necessary, because the British policy in the field of family law had a crippling effect on women. Whatever the motivation, the British adopted a policy of letting Hindus be governed by Hindu Law and Muslims by Muslim Law in matters of family relations.[2] This policy of relying on age-old personal laws has been described as "another act of enlightened policy,"[3] but the result of it was to encourage the feeling of separateness and prevent the unity of the two communities. The policy achieved such success that modernisation of most of these laws has proved difficult even today. Coupled with this policy was another one of non-interference or rather non-intervention (in family law) on the plea that 'as the British legislature cannot make Mohammedan or Hindu religion, so neither can it make Mohammedan or Hindu Law'.[4] This resulted in stagnation with the result that the two systems could neither absorb nor adjust to socio-economic changes. Social tensions inevitably arise in situations when "law does not in fact answer the needs arising from major social change."[5]

4.4 In the early part of the 19th century, due to the efforts of our social reformers some marginal adjustments were made in response to humanitarian considerations and social demands. Although female infanticide had been banned earlier,[6] the most significant was the legislation which penalised the practice of Sati.[7] The groundwork for this had been laid for a very long time[8] and this was an example where legislative legitimacy was given to an accepted social norm. The then Governor General, Lord Bentinck, in referring to the proposed legislation, said that the government would be following and not going ahead of public opinion.

4.5 The prevalence, in 18th and early 19th centuries, of child marriage leading often to early widowhood was one of the major concerns of the social reformers. Their tireless efforts

---

1. Lenin, Coll. Works. Vol. 30, p 408
2. The Personal laws of Parsis, Christians etc. were formalised much later.
3. Ranken—*Background to Indian Law* (1946) p. 3
4. Law Commission, 1855
5. Dror Yehzkel, Sociology of Law (ed. Vilhelm Aubert) 1969
6. Bengal Regulation XXI of 1795 and III of 1804
7. Bengal Sati Regulation 1829, Madras and Bombay 1830
8. Aurangzeb had decreed that "In all lands under Mogul rule, never again should officials allow a woman to be burnt."

to curb this social evil finally resulted in 1856 in 'The Hindu Widows' Remarriage Act.
[illegible] The social reformers realised that in tl
[illegible] il matters the only way open was to ti
[illegible] particularly women, in the hope th
would help to eliminate some of the inhuman practices and also act as an incentive to w
to organise and demand legislative changes

4 6 As the national movement gained in strength, the early 20th century showed
activity in the legislative field The plight of widows without any means of their own, dep
entirely on the family, led to the passing of the Hindu Women's Rights to Property
1929 followed by another in 1937 These laws, while they made the widow less dep
financially during her lifetime, stopped short of giving her any substantial rights of
ship since her right to property was only for life

4 7 *The success of the policy of division can also be seen from the fact that though de*
for changes in the Muslim law to improve the position of women were also building
reformers of the two communities did not work together The significant change th
made as a result of all the agitation for improvement among the Muslims was to gi
right of divorce to Muslim women in 1939[9]

4 8 A by-product of the *policy of non intervention in family law had been the dive*
tion (due to customs) among the major personal laws in different parts of the countr
varied interpretations of the sacred texts These differences had hardened over the
Among the Muslim schools of law—there were others besides the Sunnis and Shias Th
partially remedied by the Shariat Act 1937 which brought all Muslims under the A
practically abrogated the customary practices which had grown over the years Amo
Hindus where there were two major schools—Mitakshara and Dayabhaga—and othe
schools, lack of uniformity posed a serious problem

4 9 The demand for *major changes, no longer marginal ones, grew as a result of the u*
efforts of Gandhiji, who wanted women to suffer from no social or legal disabilities
inferior position of women in all matters, guardianship, inheritance and divorce had an
on the personality of the women Under Gandhiji's leadership the demand for improv
and modernisation of the law grew and ultimately the Government was compelled to
A committee was constituted under the chairmanship of Sir B N Rau, whose te
reference inclu[illegible] Law, so t
Hindus would [illegible] and Gan
exhortation th[illegible] had infl
India's national leaders, the resistance to change was so great that no effective steps co
taken for a number of years

4 10 *Only after independence, under the leadership of Pandit Nehru could this ma*
taken up Even so, the law had to be passed piecemeal owing to the resistance from
who believed in the status quo It is significant that the same body which, sitting
[illegible]

4 11 *The participation in the freedom movement had greatly helped in the accepta*
the idea of women's equality and the need for their emancipation *As a result, Indian w*
achieved political and some social rights easily with independence, and did not have to st
for them as women in many other countries

4 12 But legislation cannot by itself change society *To translate these rights into*
is the task of other agencies Public opinion has to be moulded to accept these rights
judiciary and the executive have a major role to play in this This effort has not alway
forthcoming Sometimes the judiciary has interpreted new legislation strictly and fa
give effect to the principle underlying the legislation, as for example in dealing with c
bigamy or the right of women to work The executive branch of the government has
made an effort to set up the machinery to educate the people about the socio-economic ch
The mass media used for publicity for certain measures taken by government, has
conspicuously silent about social legislation If legislation reflects the social values
country 'the degree of women's emancipation is the natural measure of the general emanci

9 Infra paras 4 97 to 4 100

in any given society'. It is, therefore, necessary not only to legislate but to see that it is implemented. In the following sections an effort has been made to point out the areas where the law is lagging behind the principles which have already been accepted by our Constitution.

I POLYGAMY

1. General

4.13 Full equality of sexes can hardly be possible in a legal system which permits polygamy and a social system which tolerates it. Though the institution of polygamy has prevailed traditionally in India,[1] in the last five or more decades it is on the wane and most marriages are today monogamous.[2] The spread of Christianity with its concept of marriage 'as a union for life of one man with one woman' marked the first step towards the legal recognition of the principle of monogamy. The advanced communities in the country like the Parsees and the Brahmos opted for the principle. The Parsee Marriage and Divorce Act 1865 provided that any marriage during the life-time of his or her wife or husband was void.[3] The Indian Christian Marriage Act, 1872 lays down the condition that neither of the persons intending to be married shall have a wife or husband still living.[4] With the enactment of the Hindu Marriage Act, 1955, which lays down the principle of monogamy for all Hindus[5], 88% of the Indian population are legally governed by the principle of monogamy.

4.14 The only personal law, which has remained impervious to the changing trend from polygamy to monogamy, is Muslim Law. Most Muslim countries such as Turkey, Iraq, Iran, Syria, Tunisia, Indonesia, Pakistan (including Bangladesh, which was then a part of Pakistan) have introduced reforms of varying degrees to correct the abuse of polygamy, but no legislative effort has so far been made in India to ameliorate the hardship caused to the Muslim women by the continuance of the institution of polygamy. According to an extract given by a Urdu Editor :

> "...the law of polygamy is not an invention of the Muslims, but a part of the comprehensive religious code granted to them by God. And the Muslims have been exercising this right of theirs since the time of the holy Prophet to this day. To tamper with it would definitely amount to interference in religion. If some Muslim or non-Muslim administration forces monogamy on Muslims, it would be a case of gross injustice; and the Muslims will oppose it as a religious duty."([6]).

4.15 During its tours, the Committee met with three different types of reaction. In U. P. we found a positive hostility to any reform in Muslim Law particularly in the educated middle classes.[7] Among the poorer classes of the same State we found a desire to have monogamous marriages and blunt denunciation of the inequities of polygamy.[8] In Kashmir the women uniformly and emphatically demanded that polygamy must be banned.

4.16 The seeming indifference on the part of the Government in leaving only one section of the citizens to be governed by a law permitting polygamy and other inequalities was sought

---

1. Polygamy (used here to mean multiple wives) was not confined to India but was prevalent in many parts of the world.
   "The most civilised nations must have begun with polygamy" Letourneau, *Evolution of Marriage*-"As an institution polygamy exists in all parts of the world."
   Encyclopaedia Britannica
2. Chatterjee—*Impact of Social Legislation and Social Change* p. 131. He finds the economic factor as one of the main reasons for this and supports it with data collected from the rural society of Varanasi district. His conclusion from his data is that "by and large economic affluence is the most crucial factor for bigamy & polygamy".
3. The Parsi Marriage and Divorce Act, 1865 Sec. 4 which corresponds to the Parsi Marriage and Divorce Act, 1936 Sec. 5.
4. The Indian Christian Marriage Act, 1872 Sec. 60
5. Hindu Marriage Act 1955, Sec. 5 (1) Even before the Hindu Marriage Act, many of the States like Bombay (1946) Madras (1947) Saurashtra (1954) had passed their own Prevention of Hindu Bigamous Marriage Act.
   Madras Marumakkattayam Act, 1933 prohibits bigamy for those who have the matrilineal family organ sations and are governed by the Marumakkattayam Law.
6. Qadri Maulana Syed Ahmed, *Zindagi*, Rampur (tr. Dr. Mumtaz Ali Khan)—Seminar on Muslim Personal Law by the Islamic Research Circle.
7. For example the entire teaching staff of a leading women's college.
8. The chikan-workers of Lucknow and weavers in the villages of Banaras.

to be explained by the Minister for Law and Justice, Mr Gokhale, when he said, "I believe that while we should do everything possible to build up and cultivate the conscio ness for reform, the urge and the demand for the reform must come from the communi itself "[8]

2. Standardized Contracts

4 17 Marriage is regarded as a contract under Muslim law for the purpose of procreation and legalizing of children Therefore, some eminent jurists like Fyzee and Danial Latifi advocate the device of standard contract of marriage which would provide *inter alia* for stipulation like "The husband shall not take a second wife while the first marriage subsists[10] and if the husband has married or gone through a form of marriage with another woman after the date thereof"[11] the wife shall have the power to divorce As in Islamic Law marriage is regarded as a contract, the prevailing opinion of the jurists is that generally such contracts become enforceable in courts

4 18 Two subsidiary views exist as regards the technique (i) to propagate the standard form of contract and leave it to the volition of the parties to enter into such contracts and (ii) to provide an amendment to section 2 A of the Shariat Act *inter alia* that every contract of marriage shall be deemed to include, unless otherwise expressly provided, the terms set out", which would contain a provision that the husband shall not take a second wife during the subsistence of the marriage

4 19 The critical question for consideration is What are the consequences of a breach of the contractual stipulation on the part of the husband that he would not contract a second marriage during the subsistence of the prior marriage ? Fyzee says that -

a) restitution may be refused to the husband,
b) certain rights as to dower may arise, or
c) the wife may have a right to divorce, or in an extreme case
d) the marriage itself may be dissolved

4 20 Thus the effective right of a Muslim wife having a standard contract is to get the issolution of marriage or a right to live separately from the husband This fails to provide a ubstantive relief to the first wife with children As the second marriage is not invalidated, e position of the husband is not prejudicially affected but for the financial implications ising out of the step The deterrence of the criminal sanction when a person intends to ntract a second marriage is absent Further, the solution of standard contracts is ineffec- e, in cases of fake conversions to Islam from other religions to circumvent the prohibition inst bigamy The remedy is out of step with the position in the other personal laws in ia and should be rejected

Reforms to Correct the Abuse of Polygamy

The first approach to reform Muslim law relating to polygamy is to abolish it altogether urkey polygamy was abolished by law The Turkish Civil Code lays down that no 1 shall marry again unless he proves that the former marriage has been dissolved by divorce or by a decree of nullity [12] The Turkish Family Law of Cyprus also provides marriage shall be declared invalid where at the date of the marriage one of the parties dy married is [13] The Tunisian Code of Personal Status in article 18 provides "Plurality "s is prohibited Any person who being already married and before the marriage is dissolved, marries again, shall be liable to imprisonment for one year or for a fine 00 francs or to both even if the second marriage is in violation of any requirements

---

Presidential Address in the sem nar on *Islamic Personal Law in Modern India* 14th–16th January 1972.
He also said that it is "not so much because of the fear of the repercussions but because of a desire to hasten slowly in a matter which vitally affects the sentiments of the Muslim Community".
d Tahir Mahmood—1972 p. 6.
at & Danial—Muslim Personal Law Reform IV *Journal of Constitutional and Parliamentary Studies*, III p. 115 (1970)
yzee—*Outlines of Muhammadan Law*—pp 466 467 (1967) A specimen of the contract form is given the book
1 93 cited in Mahmood Tahir *Family Law Reform in the Muslim World* p 21 (1972)
d p 26 The Turkish Family (Marriage and Divorce) Law, 1951 (Cyprus) Article 8

of this law.[14] The Muslims in the U. S. S. R. and the Peoples Republic of China are also governed by the rule of monogamy.[15]

4.22 It deserves to be emphasized that in Tunisia the justification for the abolition of polygamy had its basis on a re-evaluation or re-interpretation of Islamic principles. Professor Anderson[16] points out the following distinctive grounds :

> "The first was the broadly based argument that there were certain institutions, such as slavery and polygamy, which were acceptable at a certain stage in human development, but which were repugnant to the civilised conscience today......
>
> The second argument was...that the "Verse of polygamy" itself allows plurality of wives only on two conditions, one of which is that the would-be polygamist should have no fear whatever of treating them with less than equal justice. But experience, the President said, had proved that no man other than a prophet was capable of such a feat especially in contemporary conditions."

The second approach is to regulate the husband's right to contract a second marriage by rendering it necessary to obtain judicial or official sanction for a bigamous marriage. In most countries where Muslims constitute a majority of the population this approach, with variations, is favoured. Iran, Iraq, Singapore and Syria provide that the permission of the court is necessary for a bigamous marriage of the husband.[17] The laws provide that in granting the permission the courts should satisfy themselves about the financial capacity of the husband to maintain more than one wife. Some of these laws provide for additional grounds to be fulfilled like the capacity to do equal justice to the co-wives.

4.23 On the other hand, Pakistan, Ceylon and Indonesia confer the power to regulate bigamous marriage on institutions other than the regular courts. For example, section 6 of the Muslim Family Laws Ordinance of Pakistan states that no male can contract another marriage during the subsistence of an existing marriage except with the previous permission of the Arbitration Council.[18] The Arbitration Council may grant the permission if it is satisfied that the proposed marriage is necessary and just.[19] If a person contracts another marriage without such permission, upon a complaint being made, he is liable for punishment which may extend to one years' simple imprisonment or a fine of Rs 5,000/- or both.[20] The legislation in Ceylon prescribes for the prior notice of the intended marriage and the display of the notice in the mosques and at the residence of the parties, that is, the husband, the first wife and the prospective second wife.[21] In Indonesia the Family Law Regulations of 1947 enjoin the marriage officials to clarify and explain the position of a bigamous marriage under Islamic Law and legal conditions and obligations relating to it, to the person intending to contract a bigamous marriage.[22]

4.24 David Pearl studied the impact of the Muslim Family Laws Ordinance (1961) in Quetta (Baluchistan), Pakistan.[23] Two points relevant for our consideration emerge from his study. First,

> "many men risk the penalities inherent in section 6 (5) (a) and (b) of the ordinance, and marry a second wife without bothering to apply to the arbitration council for its approval."[24]

---

14. The Tunisian Code of Personal Status, 1958 art. 18 (Tahir Mahmood translation).
15. For details see generally, Mahmood Tahir, Supra n. 12
16. Anderson, Muslim Personal Law in India, in *Islamic Law in Modern India p.* 37 (1972).
17. Mahmood Tahir, Supra n, 12.
18. Muslim Family Law Ordinance, 1961 Sec. 6.
19. It takes into account such matters as infertility, physical infirmity, physical unfitness for conjugal relationship, wilful avoidance of a decree of restitution of conjugal rights and insanity on the part of an existing wife. These are in accordance with the rules laid down under the Family Ordinance Rules—Sec. 14 Pearl, David—*Journal of the Indian Law Institute*—Vol. 17 pp. 560, 564.
20. The Muslim Family Laws Ordinance, 1961 Sec. 6 (5).
21. Mahmood Tahir, *Supra* n 12 p. 277
22. Ibid.
23. *Pearl David, The Impact of the Muslim Family Laws Ordinance (1961) in Quetta (Baluchistan) Pakistan* Supra n. 19
24. Ibid p. 564.

4 25 The second relates to classification of marriages in the Muslim Law A marriage is valid (*sahih*) if all the conditions and formalities relating to marriage have been properly fulfilled A valid marriage confers on the wife the right to dower, maintenance etc, and creates reciprocal rights of inheritance between the husband and wife Among the Sunnis, a marriage that is not valid may be either void (*batil*) or irregular (*fasid*) [25] A void marriage does not create any rights or obligations among the parties The children of the union are illegitimate An irregular marriage has no legal effect before consummation and it can be terminated by words showing intention to separate [26] The children of the union are legitimate but the irregular marriage does not create mutual rights of inheritance between the husband and wife Pearl points out that the distinction between valid, void and irregular marriages was not eliminated and, therefore, "it was remarkably easy for a girl under 16 to be married, or a man to ignore sections 6 & 7 of the ordinance' [27]

4 26 While the desirability of reform in Muslim Law is generally acknowledged, as mentioned, the government has taken no step towards changing the law for over two decades on the view that public opinion in the Muslim community did not favour a change [28] But this view cannot be reconciled with the declaration of equality and social justice We are, therefore, of the opinion that ignoring the interest of Muslim women is a denial of social justice The right to equality, in our view, like the right to free speech, is an individual right

An Analysis Of Polygamous Marriages Among Muslims

4 27 An analysis of polygamous marriages among Muslims in India[29] classifies them into four groups

(a) The largest number of cases are of husbands who abandon their wives (and frequently children as well) and go off and marry somebody else Frequently, the second wife remains ignorant about the earlier marriage and the children,

(b) Where the wives, finding the marriage unbearable have left their husbands who, in order to avoid paying the deferred Mahr, refuse to divorce them,

(c) Wives who because of economic dependence acquiesce in the second marriage,

(d) Where a person of another religious persuasion deliberately adopts Islam to contract a marriage which could not be permitted under his own system of law

5 Regulated Bigamy

4 28 The adoption of monogamy as a rule among the Hindus under the Hindu Marriage Act, 1955 has been criticised and an opinion has been expressed in favour of 'carefully regulated bigamy"

> "It is a serious question whether the sympathy which the public and courts seem to harbour for bigamous unions has not solid basis which we ought to recognise It is argued that a carefully regulated bigamy i e popular marriages in cases of infertility, mental instability of the wife, and other cases where the [illegible]

[illegible] for Hindu Diu) This [illegible] sense not [illegible] rritories

25 See generally Mulla *Principles of Mahomedan Law*, Sections 265 67 Among Shias a marriage is either valid or void Irregular marriages are treated as void

26 Pearl, David, Supra n 19 p 268

27 Ibid

28 Prof M [illegible] on Islamic Law in India pointed out that there ' has been no [illegible] which forbids a government servant to have more than one wife ' [illegible] led to cover those employed in institutions receiving governmen[illegible] on government assistance in any form . Supra n 9—p 11

29 *Ibid — p 141* Tyabji Kamila Polygamy Unilateral Divorce Mahr in Muslim Law As Interpreted in India

Moreover, it was the opinion of Mahamahopadhyaya Dr. P. V. Kane, that polygamy should be tolerated for some classes on purely economic grounds... It is the health and happiness of Hindus that counts, and the rash abolition of polygamy in a euphoric moment is not working out satisfactorily.'[30]

As this view gives a misleading impression of being in the interests of women and as it is likely to be advanced in the context of Muslim Law also, it needs to be rebuttd in full. We are not aware of a sympathy for bigamous unions or an opinion in favour of them in the absence of a systematic survey. A survey made some years ago showed 85% of the men and 96% of the women to be in favour of compulsory monogamy.[31]. While judicial decisions have rendered the enforcement of the penal provision against bigamy in section 17 of the Hindu Marriage Act, 1955, difficult,[32] it would only be fair to say that this stemmed not from a sentiment in favour of bigamy, but from a deep seated judicial attitude that penal provisions should be construed strictly. The 'economic grounds', in our considered view, equate women with beasts of burden and cannot be accepted. It is doubtful whether the advocates of controlled bigamy will also favour controlled polyandry as a general rule on the same grounds.[33]

4.29 Long before the passing of the Hindu Marriage Act, monogamy in preference to controlled bigamy existed under the Marumakattayam Law in the State of Travancore—Cochin and in the Malabar District of the Madras province. It was introduced in the province of Bombay in 1946 and in the province of Madras in 1949.

4.30 *We are of the firm view that there can be no compromise on the basic policy of monogamy being the rule for all communities in India. Any compromise in this regard will only perpetuate the existing inequalities in the Status of women.*

f. Enforcement Of Provisions Against Bigamy Under The Hindu Marriage Act

4.31 While bigamy has been made an offence and the second marriage should be void, bigamous marriages are still prevalent among Hindus. Apart from the figures available,[34] during its tour in many of the States the Committee came to know of a large number of such marriages. In Manipur, even though the women were very bitter about the wide prevalance of this practice, they were compelled to accept it as divorce or prosecution of the husband resulted in social ostracism. The Government had failed to enforce the law. Even Government servants, who are forbidden under the Government Servants' Conduct Rules, were practising polygamy. The Committee was also informed that a Resolution in the Legislative Assembly calling upon the Government to enforce the law had been defeated by an overwhelming majority. It is interesting to note that most women of Manipur earn to support their families. In spite of their economic independence they have been unable to assert their social and legal rights. Quite a few of them were living with their co-wives, some had separate establishments but all of them contributed a part of their incomes to their husbands. Little social stigma seemed to be attached to such a situation. In West Bengal a training centre in Sriniketan for promoting self-employment had a number of women discarded by their husbands who had married a second time. We met two co-wives taking the training whose husbands discarded them for a third wife. Similar cases were brought to our notice in some parts of Andhra Pradesh, Bihar, Uttar Pradesh and in the rural areas of Madhya Pradesh.

4.32 Under the present law, only an aggrieved person can initiate proceedings for bigamy, which means the husband or the wife. In the case of the wife the complaint may be made on her behalf by one of her family members.[35] Quite often an economically dependent woman who is also uneducated has neither the knowledge nor the means to go to court.

---

30. Derrett, *A Critique of Modern Hindu Law*, (1970), P. 309
31. Opinion Survey of Urban Population conducted by the Faculty of Law of the Andhra University in 1955-Venkataraman S.-'Social Legislation and Public Opinion, Supreme Court Journal, Vol. 19, p. 177
32. See *Infra* paras 4.31—4.44.
33. For a criticism of this view, see Diwan Paras, *Modern Hindu Law*, 1972 p. 103.
34. *Incidence of Polygynous marriages in India*—Census of India 1961—(mimeographed) Analysis based on sample of one lakh marriages from selected villages. The survey found 5.8% polygynous marriages among Hindus, 6.72% among Jains, 7.97% among Buddhists and 5.7% among Muslims. This is "contrary to the prevailing notion that the incidence of polygynous marriages is higher among the Muslims than amongother communities"
35. Section 198 Criminal Procedure Code—proviso—Members of the wife's family are father, mother, brother, sister, son or daughter. father's or mother's brother or sister.

Many of them are reluctant to appear in court and face social, criticism as brought out very clearly by Justice Sachar :—

> "We also cannot shut our eyes to the practical difficulties and problems faced by an Indian girl Instances are numerous where Indian women have gone

4 33 Where social customs prevent a woman from appearing in public, the law permits some other person to make the complaint with the permission of the court The question to be considered is whether the right to initiate prosecution for bigamy should be extended to persons other than the girl s family in all cases, in view of the general reluctance of her family members to lodge a complaint against the son in-law or brother in law The necessity of obtaining prior permission of the Court would provide adequate safeguard against undue harassment In small towns and villages a social worker could fulfil this role admirably

4 34 *In our opinion such a provision is necessary to prevent the current wide-spread violation af a most salutary provision of the law which very clearly lays down the social policy of the country*

4 35 The existing penal provision against bigamy is further defeated in a considerable number of cases because of a technical construction placed on Section 17 of the Act The Supreme Court *In Bhaurao vs State of Maharashtra*[37] held that the offence of bigamy was not proved unless it was established that the second marriage was celebrated with proper ceremonies and due form This conclusion was arrived at on the basis that the section used the word 'solemnized'. They observe [38]

> The word 'solemnize' means, in connection with a marriage, 'to celebrate the marriage with proper ceremonies and due form' according to the Shorter Oxford Dictionary It follows, therefore, that unless the marriage is 'celebrated' or performed with proper ceremonies and due form it cannot be said to be 'solemnized' It is therefore essential, for the purpose of Sec 17 of the Act, that the marriage to which Sec 494, I P C applies on account of the provisions of the Act, should have been celebrated with proper ceremonies and due form

As the law requires no specific ceremonies but recognises ceremonies of marriage according to custom it becomes extremely difficult to determine which ceremony or ceremonies were really essential Whether the construction put by the court will subserve the policy and purpose of the Act or the social objectives of the legislation was never in their contemplation

4 36 The result of this interpretation is that a difficult burden is cast on the prosecution to show that the second marriage is performed with all due formalities This burden in many cases cannot be discharged owing to the fact that second marriages during the subsistence of a prior marriage, are seldom performed with the usual pomp and show

4 37 Even if it is not so, this judicial interpretation facilitates widespread evasion of law As pointed out by Professor Derrett,[39] the existing position will give rise to two types of devices being followed to evade prosecution for bigamy First, a person intending to take a second wife may deliberately undergo a defective form of marriage, to defend himself against a prosecution launched by the first wife or her relatives Second, the relatives and friends of the second "wife" may commit perjury and say that the marriage is not properly solemnized and the first wife or her relatives would not be in a position to rebut it

4 38 Shri M. B Majumdar suggested that the words 'solemnized" may be replaced by the words "contracted" [40] But given the contemporary judicial attitudes, inherited from the English legal system, whereby the policy and purpose of an Act often are sacrificed to a literal construction of the Act, it is doubtful whether the suggested amendment will change the situation materially [41]

---

36 [illegible]

37 [illegible] e Supreme [illegible] *vs Suresh*

38 [illegible]

39 Derrett, A Round up of Bigamous Marriages *Bombay Law Reporter* Vol 69 p 84 (J) (1967)

40 Majumdar, notes on Recent Cases, *Bombay Law Reporter* Vol 68 P 57 (J) (1966)

41 See also Derrett, *Supra* n 39 p 85

4.39 *We recommend that the words 'solemnized' should be replaced by the words "goes through a marriage."*[42] *Further, an explanation should be added to the section that an omission to perform some of the essential ceremonies by parties shall not be construed to mean that the offence of bigamy was not committed, if such a ceremony of marriage gives rise to a de facto relationship of husband and wife.*

7. **Injunction:**

4.40 As already mentioned there is often an inhibition against prosecuting a husband for his second marriage in the present social context. The easier remedy is to prevent such a marriage taking place, if there is prior knowledge of its impending celebration. The following two cases will show that though bigamy, including the attempt and abetment of it is an offence, the position is not as clear cut as we would like it to be.

4.41 In *Sankarappa Vs. Basamma*[43] the Mysore High Court held that a Hindu wife is entitled to a perpetual injunction restraining her husband from contracting a second marriage; that the suit is clearly permitted by section 54 of the specific Relief Act, 1877 (Sec. 38 of the Specific Relief Act, 1963).

4.42 On the other hand, a Division Bench of the Patna High Court in *Uma Prasad Singh vs. Smt. Radha Devi*[44] takes the view that a remedy by way of injunction against a second marriage is not available under the provisions of the Hindu Marriage Act.

4.43 The case seems to have been argued only on the basis of the Hindu Marriage Act, 1955 and the question of remedy under the Specific Relief Act, 1963 was not referred to by the parties or by the court. "The only point for consideration is...where the suit as framed and filed by opposite party 1, could be maintained under any provision of the Hindu Marriage Act, 1955.[45]

4.44 Though the two cases can be clearly distinguished and there is no real conflict, it is desirable to clarify the matter. *We recommend that a provision be introduced in Section 6 of the Hindu Marriage Act to the effect that nothing contained in the Hindu Marriage Act shall prevent a court from granting an injunction against a proposed bigamous marriage under Act or under the provisions of the Specific Relief Act,* 1963.

8. **Laws in Former French and Portuguese Territories :**

4.45 After the merger of the former French and Portuguese colonial possessions with India, the laws in force prior to merger in these territories have not been abrogated and therefore they continue to be in force. A reference will now be made to these laws insofar as they affect the status of women.

A. **Laws in Pondicherry :**

4.46 Prior to the merger, three different systems of personal law were applicable in Pondicherry.[46] First, the Hindus Laws and customs applicable to Hindu and native Christians, (other than renoncants).[47] However, in matters relating to marriage, divorce and allied topics the Christians were governed by the French Civil Code. Second, the Muslim Law, which was more or less similar to that applied in India, governed the Muslims. Third, the French Law which was applied to the people of French origin and *renoncants.*

4.47 After the merger with India the categories of laws applicable increased and consequently the applicability of the Hindu Law became complicated. David Annoussamy categorizes the application of Hindu Law thus :[48]

A. Hindu Law prevailing in India applicable to migrants from the rest of India. B. Hindu Law applicable to Hindus of Pondicherrian origin consisting of Indian statutes (Applicable to Hindus). C. Hindu Law consisting solely of the Hindu local customs adhered to by Hindus who remained French nationals. D. Hindu Law consisting of customs of

42. Sec. 17 Hindu Marriage Act.
43. A. I. R. 1964, Mys. p. 247
44. A. I. R. 1967 Pat. p. 200
45. Ibid p. 221
46. Annoussamy, David, Pondicherry, Babel of Personal Laws—J. I. L. I. Vol. 14 p. 420 (1972).
47. Renoncants are persons who renounced their personal laws in favour of the French personal law as embodied in the Civil Code.
48. *Supra* n. 46 p. 421

Pondicherry except in matters of marriage and divorce This category has been further sub-divided into two groups, viz 1 Indian Christians who are governed according to their choice in respect of marriage, either by the French Civil Code or the Indian Christian Marriage Act and the Indian Divorce Act, and 2 Indian Christians who are exclusively governed by the French Civil Code

B Laws in Goa, Daman and Diu

4 48 Even though these territories are now a part of India, no effort has so far been made to extend the Hindu Marriage Act to them The result is that a section of Hindus today continues to be governed by a law which permits polygamy

(a) Districts of Goa and Diu

4 49 In the districts of Goa, polygamy is permissible among Hindus under the following circumstances —

(i) when the previous wife is childless upto the age of 25 years,

(ii) When there is no male issue from the previous wife till her 30th year or when the previous wife who is below 30 does not conceive for ten years after her past conception,

(iii) in cases of judicial separation by wife and when there is no male issue

(Note In the case of Goa, previous wife's consent is required for the cases mentioned in (i) and (ii) above)

(b) District of Daman ·

4 50 According to the Code of Customs and Usage of Non Christian inhabitants of Daman, the male individuals are allowed to have many wives but Bramos of Modd Caste cannot have more than two wives

However, there is no polygamy among Dhobis, Morai-Machines Barbers, Capris, Salvia, Betelas Porobias and Bramos except those belonging to Teloquia and Modd caste

(Note For an individual to marry or re-marry more than twice—when his previous wives are living, an express previous consent of all of them is required which shall be drawn by the 'Chief of Rancho' or by the Notary Public in the Presence of four witnesses)

4 51 Judicial justification of any of the circumstances mentioned above is a condition precedent for polygamy

4 52 In our opinion, the continuation of such diverse Laws contradictory to our social policy, in these territories is totally unjustified *We recommend therefore, the immediate replacement of these laws by the Hindu Marriage Act* 1955

II Age Of Marriage

1 Legal Provisions

4 53 Another major social evil which was sought to be curbed by legislation is child marriage The disastrous effects of such marriages have been discussed already One of the few areas where our social reformers had taken the initiative, even in the 19th century, was to curb this evil by legislation The first legislation was the Civil Marriage Act[1] which laid down the age of marriage to be 14 years But as only a very small section of the people married under this Act, the problem continued

4 54 *One of the adverse consequences of child marriage,* as realised by the reformers, was early consummation, with disastrous effect on the health of the young wives and their children An effort was made in 1891 to prevent early consummation by the Age of Consent Act which prohibited consummation before 12 years Due to lack of publicity and propaganda, there was no impact of this provision In 1925 the Age of Consent was raised to 13 This was the forerunner of the Sarda Act of 1929 [2]

---

18 years and
ere enacted in

4.55 Perhaps the realisation that legislation, while one of the major instruments of social change, is not sufficient by itself to fight against deep rooted prejudices and traditional practice made the legislators compromise by leaving the validity of child marriage untouched but making such practice a penal offence. Parents of children, those 'performing, conducting or directing' as also the adult bridegroom, were all liable to punishment in varying degrees. The Act was further amended but left untouched the structure of the earlier Act.[3] The impact of this legislation and the present position regarding child marriages have been discussed already.

4.56 Apart from the Sarda Act, the various personal laws have their own minimum age of marriage. Not only do they vary in regard to the minimum age but also in the consequences of violation of the law.

4.57 The Hindu Marriage Act lays down as one of the conditions, the completion of 18 years and 15 years by the bride-groom and the bride respectively.[4] Though passed in the post-independence era, the Act remains silent about the effect on the validity of the marriage and continues the earlier penal policy in cases of violation. Most writers hold the view that the validity of the marriage is not affected and this is also supported by judicial decisions.[5]

4.58 The Parsi Marriage and Divorce Act 1936[6] on the other hand, lays down that no suit shall be brought to enforce a marriage between two Parsees or any contract connected with the marriage, if at the date of the institution of the suit the husband has not completed the age of 16 years and the wife 14 years. The Christian Marriage Act, 1872 provides that for a valid marriage under the Act, the age of the male shall exceed 16 years and that of the female 13 years.[7] For a valid marriage under the classical Muslim Law the parties should not be minors,[8] that is, the parties should have attained puberty. Puberty is presumed in the absence of evidence to the contrary, at 15 and 19 in the case of girls and boys respectively.[9]

4.59 Only the Special Marriage Act, 1954, a post-independence legislation which provides for a secular marriage irrespective of the religious affiliation of the parties, contemplates the solemnisation of marriage between adults under its provisions, as it fixes the minimum age at 21 and 18 for males and females respectively.[10]

4.60 The legal position noted above brings forth an important feature, namely, a lesser age of marriage is prescribed in the case of girls. No doubt throughout the world, the laws generally provide for a lesser age in case of girls. For example, in the U. S. A. only eleven States prescribed the same minimum age for boys and girls. The remaining thirty-nine states permit girls to be married at a lower age than boys.[11] As pointed out by Konowitz: "It (early marriage for women) can lead to premature removal from socially productive enterprise or lost opportunities."[12]

4.61 When the legal age of marriage in case of a female is below the age of discretion she cannot be expected to form an intelligent opinion about her partner in life. The policy of law which permits the marriage of a girl before she is physically and mentally mature is open to serious question. As reported by the Pushpaben Committee, child marriage is one of the significant factors leading to the high incidence of suicide among young married women in India.[13] Therefore, increasing the marriage age of girls to eighteen years is desirable.

---

3. In the amended Act, the punishment was slightly increased from one month's imprisonment to three months' for parents, and guardians' as also for the adult marring a child. A person between the age of 18 years and 21 years marrying a child also becomes liable for imprisonment.
4. Sec. 5 (iii)
5. Mst. Mahari v. Director and Consolidation 1969. *All L. J.* p. 63; Mulla—*Principles of Hindu Law*—p. 634 (1970); Derrett, *An Introduction to Modern Hindu Law*—p. 157 (1963)
6. Sec. 38
7. The Christian Marriage Act, 1872, Sect. 60
8. "Essential according to Muhammedan Law that the husband should be capable of giving a valid consent.. consent of a Muslim girl essential" Rahman, A—*Institutes of Mussalman Law*, P. 4
9. Tyabji, *Muslim Law* Sec. 27 (1970)
10. The Special Marriage Act, 1954 Sec. 4 cl. (c)
11. Konowitz, *Women and the Law*, p. 10 (1970)
12. Ibid. p. 11.
13. *Report of Suicide Enquiry Committee*, Government of Gujarat, 1964, p. 62. Hereafter referred to as the Pushpaben Committee.

4.62 In this context it is necessary to point out an anachronism that exists in the Muslim Law that governs some sects. After attaining puberty, a Muslim male in all sects and a Muslim female belonging to the Hanafi and Ithana Ashari Shiite sects can marry without a guardian. But "a Maliki, Shafi, or Daudi or Sulaymani Bohra virgin cannot marry without a guardian and her only remedy is to change over to the Hanafi School and marry according to its tenets."[14]

4.63 In two recent decisions, viz. Muhammad Hazi Kammu vs. Ethiyumma[15] and K. Abubukker vs. Marakkar[16] (The Kerala High Court) struck a different note which mitigates this hardship. The parties in both cases were Shafis. In Abubukker's case, the mother who was divorced, sought the consent of her ex husband to the daughters' marriage which he refused. On the marriage being solemnized, the father filed a suit for a declaration that the marriage was invalid as his consent was not obtained. The lower Court declared the marriage to be invalid even though the girl was already pregnant. Reversing the decision of the lower Court, Justice Pillai stated that under the Maliki and Shafi law the marriage of an adult girl is not valid unless her consent is obtained, and communicated through a legally authorised *wali* (guardian). As the father refused his consent, she could constitute any other relation or Kazi (in this case the Kazi) to act as her agent. *In our opinion a change in the law to remove the existing disability in these sub-schools and to bring them in conformity with the Hanafi law is necessary.*

2. Aspects relating to Prevention of Child Marriages

4.64 As mentioned earlier the policy of the Child Marriage Restraint Act or other statutes is not to invalidate child marriages but to punish their solemnization. The offences under the Act are, however, non-cognizable, and no woman is punishable with imprisonment.[17]

4.65 There are large scale violations of the Act particularly in the rural areas. The non cognizable character of the offence is a serious hindrance to the effective enforcement of this law. The State of Gujarat amended the Child Marriage Restraint Act by making it a cognizable offence. Provisions have also been made for the appointment of a Child Marriage Prevention Officer. These changes have been welcomed by the Pushpaben Committee.[18] *We recommend that all offences under the Child Marriage Restraint Act should be made cognizable, and special officers appointed to enforce the law.*

4.66 Another effective approach to this problem is to render such marriages void. But in the present social and economic conditions such a rigorous measure may create more problems than it seeks to solve. We suggest, therefore, that it should be envisaged as a future goal.

4.67 As immediate measures to deter child marriages and to alleviate their consequences we suggest the following —

(a) to provide the girl the right to repudiate the marriage on attaining majority on lines similar to the "option of puberty" under Muslim Law;

Note A Muslim girl married during her minority[19] is entitled to a dissolution of marriage if the following facts are established (i) that she was given in marriage by her father or other guardian before she attained the age of 15, (ii) that she repudiated the marriage before she attained the age of 18, (iii) that the marriage was not consummated.[20]

4.68 *In our view the right to repudiate the marriage on attaining majority should be made available to girls in all communities whether the marriage was consummated or not.*

(b) A general legal provision analogous to section 38 of the Parsi Marriage and Divorce Act, 1865 which provides that "no suit shall be brought in any court to enforce any marriage between Parsees or any contract connected with or arising out of any such marriage, if, at the date of the institution of the suit, the husband

---

14 Fyzee *Outlines of Muhammadan Law* p. 201 (1964)
15 1967 K. L. T. 913
16 A. I. R. 1970 Kerala 277
17 The Child Marriage Restraint Act, 1929 Sec. 6 (1) Sch. II of Cr. P. C. Last two entries read with sec. 4
18 Pushpaben Committee Supra n. 13 p. 63
19 The age of majority under the Muslim Law is the completion of 15 years. The Indian M. Act, 1875 is not applicable to matters relating to marriage, dower, divorce and adoption
20 The Dissolution of Muslim Marriages Act 1939 Sec. 2 (vii)

shall not have completed the age of 16 years, or the wife shall not have completed the age of 14 years."[21] Under the Egyptian Civil Code, a marriage in contravention of the rule relating to age of the parties (completion of 18 years and 15 years in case of males and females respectively) though not invalid *per se* will not be registered. Under article 99 of the Code such a marriage will not be recognised by the Court for the purpose of granting any relief, except a claim relating to legitimacy of issues.[22]

4.69 *We recommend legislation prohibiting courts from granting any relief in respect of a marriage solemnized in violation of the age requirements prescribed by law unless both the parties have completed the age of 18 years.*

3. Compulsory Registration of Marriages :

4.70 Compulsory registration of marriages operates as an effective check on child and bigamous marriages and also offers reliable proof of marriage. It ensures the legitimacy and inheritance rights of children. Section 8 of the Hindu Marriage Act, 1955, enables the State Governments to provide for compulsory registration of marriages, and any person contravening the rule may be punished with a fine which may extend to twenty-five rupees. However it has been stated that failure to register a marriage will not affect its validity. Laws which provide for the voluntary registration of Muslim marriages are in force in the States of Assam, Bihar, Orissa and Bengal.[23]

4.71 Among the Parsees and Indian Christians the registration of marriages is compulsory.[24] Registration is also compulsory for marriages solemnised under the Special Marriages Act, 1954. Section 16 of this Act permits voluntary registration of marriages celebrated under other laws. The figures given below illustrate that the appeal of this secular law, though it ensures better legal protection to all parties, is still limited to a very small minority. Neither has the permission for voluntary registration attracted much response.

Number of marriages registered under the Special Marriages Act 1954 :

	Bombay	*Rajasthan*	*Delhi*
1968	601	11	148
1969	621	8	194
1970	766	13	229
1971	705	11	235
1972	816	6	212

Number of marriages celebrated under other laws but subsequently registered under Section 16 of the Special Marriages Act.

	Bombay
1968	19
1969	18
1970	43
1971	36
1972	26

4.72 The ultimate object should be to recognise registration as the sole and conclusive proof of marriage, irrespective of the religious rites under which it was solemnised. It may be mentioned here that India has neither signed nor ratified the United Nations Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage.[25]

21. The Parsi Marriage and Divorce Act, 1936 Sec. 38
22. Mahmood, Tahir *Family Law Reform in the Muslim World* p. 50 (1972).
23. The Assam Moslim Marriages and Divorces Registration Act. 1935; The Bengal Muhammadan Marriages and Divorces Registration Act, 1876 (as applied in the state of Bihar); The Orissa Muhammadan Marriages and Divorces Registration Act, 1949; and The West Bengal Muhammadan Marriages and Divorce Registration Act, 1876.
24. Under section 6, Parsee Marriage and Divorce Act, 1936; and Sections 59 and 62 of the Indian Christian Marriage Act, 1972.
25. U. N. Doc. A/Res./1953 'XVII) (1962). For the background and details of the Convention *see* Sivaramayya Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage—1962—with special reference to India J. I. L. I. Vol. 1962

Explaining the position of India on ratification, the Indian delegate stated "the Convention would impose an obligation to introduce legislation, and since that might not be feasible at the present time, he must reserve his Government's position on the question of ratification"[26]

4 73 We regret that for over a decade no a [illegible] legislation to implement the objects of the U N Conven[illegible] asualness and lack of concern on matters affecting the sta[illegible] *at registration should be made compulsory for all marriages* We have a clear precedent for a uniform measure in the Registration of Births and Deaths Act

III DOWRY

4 74 The dimension and ramifications of the dowry system in its present form have been discussed in the previous Chapter

4 75 We are compelled to record our finding that the Dowry Prohibition Act 1961, passed with the ostensible purpose of curbing this evil, if not of eradicating it has signally failed to achieve its purpose In spite of the rapid growth of this practice, there are practically no cases reported under the Act During its tours of all the States, the Committee was informed of only one case that was pending before the court in Kerala in which the father had filed the complaint only because of the ill treatment meted out to his daughter

4 76 During the debate on the Dowry Prohibition Bill one MP observed 'But I feel the whole problem will be solved – very easily and more quickly, not by legislation, but by rousing social conscience As soon as our women get economic opportunities and economic freedom, [illegible] opportunities are opened to them, as soon as they [illegible] y there would not be any occasion for this law [illegible]

4 77 The eradication of this evil by rousing social conscience is seemingly an attractive approach The Committee's findings, however, indicate that there is hardly any evidence of social conscience in the country today In Indore, at a fairly large meeting, the Committee was told of the case of a girl who was burnt in the legs and in the back by her in-laws as she [illegible] dowry The acceptance of this situation was [illegible] of [illegible] evil No one at the meeting mentioned the need to report [illegible] of socially boycotting the family Many such cases were brought to our notice but nowhere did we hear of any social censure being exercised[1]

4 78 An increase in economic freedom and job opportunities for women to the extent that the practice of dowry becomes obsolete, under the existing economic conditions, will be a very long process The educated youth is grossly insensitive to the evil and [illegible] contributes to its perpetuation In our opinion, therefore a stringent enforcement of the policy and purpose of the Act may serve to educate public opinion [illegible] *by declaring the* [illegible] Such a lead was given [illegible] ry should be [illegible]

4 79 The major cause for the failure of the Dowry Pro[illegible] ment of the provisions of the Act is not made a cognizable offence [illegible] the Act should be made cognizable was in fact suggested [illegible]

But the offence was not made cognizable [illegible] result in the harassment of citizens by the police [illegible] individual s right of privacy

4 80 In our opinion the policy of making the [illegible] purpose of the Act as it is unrealistic to think [illegible] (and who alone is in a position to adduce evidence [illegible] given) would prefer a complaint against [illegible] *recommend therefore that the offence* [illegible]

26 U N Doc A C3/SR 1149 [illegible]
1 Shri Hem Barua — 3[illegible] Lok Sabha Debates [illegible]
2 By Smt Parvati Krishnan — [illegible]

fortified in our conclusion by the recommendation of the Pushpaben Committee[3]. To overcome the fears regarding harassment by the police and encroachment on the right of privacy; *it is suggested that the enforcement of social laws like the Dowry Prohibition Act, the Child Marriage Restraint Act, should be entrusted to a separate administration with which social workers and enlightened members of the community should be associated.*

4.81 In addition, two ancillary provisions should be incorporated in the Dowry Prohibition Act, 1961. It has been pointed out that one of the 'major loopholes' in the existing legislation is that anything is allowed in the name of gifts and presents.[4]

Therefore, *any gifts made to the bridegroom or his parents in excess of Rs. 500/- or which can be so used as to reduce his own financial liability should be made punishable.*

4.82 The practice of displaying the dowry by parents of the bride or the bridegroom, as discussed earlier, is prevalent in some parts of India. This naturally tends to perpetuate the practice as others follow suit. To curb this evil we recommend legislation on the lines of the West Pakistan Dowry (Prohibition of Display) Act 1967[5] which penalises such display.

4.83 We suggest that *an evaluation of the impact of the amended Dowry Prohibition Act should be made after five years.* It will help in plugging loopholes which facilitate the evasion of this law. *The next step should be to set a ceiling even on the gifts that may be made to the bride.* This will help to improve the situation further because we have found that gifts given to the bride are often only a guise for dowry since generally she has little or no control over them.

IV DIVORCE

4.84 A monogamous marriage without the right of divorce would cause great hardship to both parties to the marriage. The concept of 'union for life' or the sacramental nature of the marriage which renders the marriage indissoluble has gradually been eroded and through legislation the right of divorce has been introduced in all legal systems in India, but the same variations and unequal treatment of sexes characterises this branch of law also.

4.85 According to the Census of 1971[1], the total number of divorced or separated women in the country is estimated to be 8,70,700 ; of which 7,43,200 are in the rural areas and 1,27,500 in urban areas. The ratio of divorced or separated women is 1630 per thousand males[2]. The table below indicates the relative percentage of divorced or separated men and women to the total male and female population in 1961 and 1971. It is clear that the proportion of women who remain in this state is higher than men, in both rural and urban areas.

PERCENTAGE OF DIVORCED AND SEPARATED PERSONS

	1961			1971		
	Rural	Urban	Total	Rural	Urban	Total
Males	0.43	0.22	0.39	0.21	0.12	0.19
Females	0.53	0.43	0.51	0.35	0.25	0.33

Source : *Country Statement*—submitted to the World Population Conference, Bucharest (Rumania) 19-30 August 1974-Government of India, 1974.

Note : 1971 figures are based on 1 per cent sample data.

A survey undertaken by the Census in 1961 in 587 selected villages with a sample of 1,33,775 marriages covering a period of 50 years, had indicated wide acceptance of divorce by the village community and some variations of incidence among the religious communities. Incidence of divorce was highest among the Muslims (6.06%), followed by Hindus (3.21%). Among the Buddhists it was 3.07%, among the Jains 1.68% and among Sikhs 0.91%. The

3. Report of the Suicide Enquiry Committee, Govt. of Gujarat 1964, p. 47.
4. A Persistent Evil, Editorial, The Sunday Standard, New Delhi, December 10th. 1972.
5. "Whosoever intentionally displays or exhibits—any presents in form of cash, ornaments. clothes, or other articles made at the time, or immediately before or after marriage, to either party to the marriage shall be punished with an imprisonment which may extend to one year or with a fine which may extend to five thousand rupees."
1. Estimated from 1% sample data — Census of India 1971.
2. Bose, Ashish — Demographic Profile of Indian Women (unpublished).

incidence of divorce among Christians was considerably lower (0 41%)[3] The causes for divorce show that adultery and barrenness are the commonest grounds for divorce in most of the villages studied Extreme poverty is also found to be cause for divorce In Rajasthan, sexual incompatibility and incapacity are recognised as grounds for divorce[4]

Hindu Law

4 86 According to traditionalists divorce was unknown in Hindu Law[5] Even today divorce is not a socially accepted norm among many sections

> We can take judicial notice of the fact that even today considerable sections of the Hindu society look with disfavour on the idea of dissolving a marriage[6]

Polygamy, without the right of divorce, caused, in many cases tremendous hardship

Customary Divorce — Contrary to the general notion regarding the indissolubility of Hindu marriages a large section of Hindus among the lower castes have traditionally practised divorce These customary forms of divorce were recognised, both socially and judicially[7] The usual customary forms are

(a) by mutual consent ,

(b) unilaterally—at the pleasure of the husband or by the abandonment of the wife ,

(c) by deed of divorce (Char—chitti) ,

[illegible] ustom of obtaining divorce by mutual consent is prevalent [illegible], Madras[9], Mysore[10] and Kerala[11] In Madhya Pradesh[12] it [illegible] itual consent is a valid custom among the Patwas of that State A customary form of divorce by agreement (chuttam chutta) amongst the Barai chaurasiyas of U P has been declared valid by the Allahabad High Court[13] These are only a few illustrations to indicate the existence of divorce by mutual consent

(b) *unilateral divorce* According to the custom prevailing in Manipur (Khamaba) it has been stated that a husband can dissolve the marriage without any reason or at his pleasure[14] Among the Rajput Gujaratis in Khandesh and in the Pakhali Community marriage is dissolved if the husband abandons or deserts the wife Among the Vaishyas of Gorakhpur in Uttar Pradesh a husband may abandon or desert his wife, and dissolution takes place even without reference to the caste tribunal[15],

(c) *Divorce by Deed* This form is prevalent among certain castes in South India also in Himachal Pradesh and the Jat community Recently the Supreme Court has upheld a deed executed by the husband divorcing his wife[16]

4 87 Usually customary divorces are through the intervention of the traditional Panchayats or caste tribunals Therefore in States where this has not been customary, the courts have not permitted Panchayats to take upon themselves the right to dissolve a marriage Once the custom is proved however, the courts will not interfere

4 88 The courts have exercised a lot of judicial scrutiny and discretion in upholding or rejecting such customary divorce practices In doing so they have applied the strict test for the validity of such customs When the existence of a custom was not proved, or where the

---

3 Position of Divorce in India — Census of India 1961

4 Village Survey Reports — Census of India 1961

5 Marriage under Hindu Law a sacrament the union is indissoluble the union is a sacred tie and subsists even after the death of the husband Tekait Mon Mohini Jemadai v Basanta Kumar Singh 28 Cal 751 758

6 S V R 1968 Del 79

custom could be regarded as running counter to the spirit of Hindu Law, or was against public policy or morality, courts have declared such customary forms of divorce as invalid[17].

4. 89 Under customary law there is no waiting period after divorce to remarry. But if divorce is obtained under the Hindu Marriage Act, then either party to the marriage can lawfully remarry only after a lapse of one year after the decree of divorce (sec. 15). Retention of customary forms of divorce under the Hindu Marriage Act is advantageous because this process of dissolving the marriage saves time and money in litigations. The only difficulty that may arise is if the divorce according to customary law is brought at some stage to the notice of the court and the latter decrees that particular form of divorce to be against public policy or morality. If one or both parties have remarried, such a marriage will be void and the status of the children will be affected. To minimise this, it has been suggested that the Ministry of Law should prepare an exhaustive record of customs relating to divorce found in different States and set up a panel of socio-legal experts to determine if any of these customs are invalid. Copies of the record should be made freely and easily available to the people and the Panchayats[18].

4. 90 With the enactment of the Hindu Marriage Act of 1955, divorce became a part of the law governing all Hindus. The ground for this had been already prepared by the passing of the Hindu Women's Right to Separate Residence and Maintenance Act in 1946, which *inter alia*, permitted the wife to separate from her husband on the ground that he had married again. Following this, some of the States took the initiative and as with monogamy, legislated to permit divorce for Hindus[19].

Divorce Under the Hindu Marriage Act, 1955 [20]

4. 91 The various grounds on which a husband or a wife can obtain divorce are (a) living in adultery, (b) conversion to other religion, (c) insanity, (d) incurable form of leprosy, (e) venereal disease, (f) renunciation, (g) where the respondent has not been heard of as being alive for a period of seven years or more by persons who would naturally have heard of it, (h) failure to resume cohabitation for a period of 2 years after the decree of judicial separation, and (i) failure to comply with a decree for restitution of conjugal rights. Two additional grounds have been given to the wife : i) to obtain a divorce if the husband has more than one wife living, and ii) if he has been guilty of rape, sodomy or bestiality[21]. The former has a retrospective effect in the sense that when the marriages took place (i.e. before the Act), polygamy was legally permissible. This right can be exercised by either of the wives, and has obviously been provided to strengthen the social policy of monogamy. From the cases reported, it appears that many women have benefited from this provision.

Adultery : Since adultery is a very grave matrimonial offence, a very high degree or standard of proof is required. The Courts have insisted that the offence of adultery should be proved beyond reasonable doubt. A husband or wife can ask for divorce only if at the time of filing the suit, the other party 'is living in adultery'. A single act of extra marital intercourse is not sufficient to dissolve the marriage, though it is sufficient for a decree of judicial separation. The Bombay High Court, therefore, rejected the petition of a husband as at the time of the petition there was no evidence that the wife was leading an adulterous life, though there was evidence that she had done so earlier[22].

4. 92 *Refusal to resume cohabitation* :— Another provision of the Act which is often taken advantage of is non-compliance with a decree restituting conjugal rights for two years or the lapse of the same period after a decree of judicial separation. One of the grounds for judicial separation is desertion provided it is 'without reasonable cause[23].' In interpreting 'reasonable cause', the judiciary has often exhibited their inability to appreciate the socio-economic changes and the Constitutional right to equality.

---

17. Divorce purchased by one spouse without the consent of the other, or the custom which authorises a wife to divorce her husband against his will on payment of a sum of money fixed by the caste from time to time, have been held to be immoral and opposed to public policy, Desai, Kumud — *Indian Law of Marriage and Divorce* (1972), p. 304.

18. Agrawala, Rajkumari — *Matrimonial Remedies under Hindu Law* (1973) — pp. 70—73.

19. The Madras Hindu (Bigamy Prevention and Divorce) Act, 1947. The Bombay Hindu Divorce Act, 1947. The Saurashtra Hindu Divorce Act, 1952.

20. Hereinafter referred to as the Act.

21. Section 13 of the Act.

22. Rajani V Prabhakar (1957), 59 Bombay L.R. 1169.

23. Sec. 10 explanation of the Act.

4 93 Whenever conjugal rights have come into open conflict with th[cut] equal opportunity in education or employment, the attitude of the judic[cut] rather ambiguous Instead of guiding the conflicting parties towards a r[cut] to the process of social change, the judiciary has either evaded the issue or [cut] on the side of the traditional view of the husband's authority Two illustra[cut] to demonstrate this tendency —

(a) A husband's demand for his wife to resign her job as a teacher in [cut] his place of employment, to join him, was upheld by the Punjab High Cou[cut] that it was the duty of the wife to remain under the 'roof and protecti[cut] obediently' to the authority of the husband"[24]

(b) In a similar case, the Allahabad High Court took a step forward by op[cut] concepts of protection and society are "inelastic and rigid rules which cannot be [cut] the context of present day conditions and needs of society In view of the alter[cut] economic conditions both husband and wife may think it necessary to work and [cut] to the family chest " The Court, therefore, conceded the right of deciding the [cut] the wife where "in cases of economic stress for the sake of the family and chi[cut] wife genuinely thinks it is necessary for her to work"[25] The judgement, while con[cut] right in cases of genuine economic necessity, totally evades the issue of the individual [cut] right to decide whether to work or not

4 94 *We are of the opinion that difference in the place of work should not be regar[cut] ground for a case of desertion or restitution of conjugal rights*

4 95 *Cruelty and desertion* Cruelty and desertion have not been made grounds for d[cut] though they are recognised as grounds for a judicial separation[26] It, therefore, follows t[cut] these cases the innocent party to the marriage, against whom there has been cruelty, or [cut] has been deserted, has to wait for two years before he or she can get a divorce[27] U[cut] Pradesh has given the lead in this and amended their law to make these grounds for divor[cut] *In our opinion these should be added as grounds for divorce in the Hindu Marriage Act so t[cut] persons are not compelled to follow the present circuitous route and undergo the expense of go[cut] to court twice*

Muslim Law

4 96 Under Muslim Law a husband has an absolute and unlimited right to repudiate the marriage at his will This is known as Talaq A Muslim wife has no such right to dissolve her marriage Unwritten and traditional law tried to ameliorate her position by permitting her to seek dissolution under the following forms

(a) *Talaqi Tafwid* This is a form of delegated divorce According to this the husband delegates his right of divorce in a marriage contract which may stipulate that *inter-alia* on his taking another wife the first wife has the right to divorce him The courts have upheld these pre-nuptial and post nuptial agreements as not opposed to public policy nor against the spirit of Muslim Law[29] The Assam High Court has strengthened this right by declaring that such a power of Talaq given to the wife is irrevocable[30].

(b) *Khul* This is a dissolution by an agreement between the parties to the marriage, on the wife's giving some consideration to the husband for her release from the marriage tie The terms are a matter of bargain and usually takes the form of the wife giving up her dower

(c) *Mubarrat* This is divorce by mutual consent[31]

24 Tirath Kaur v Kirpal Singh A I R (1964) Punj 28
25 Shanti Nigam v R C Nigam (1971) A L J 67
26 Sec 10 (1) (a) and (b) Hindu Marriage Act
27 Sec 13 (1) VIII and IX
28 Hindu Marriage Uttar Pradesh (Sanshodhana Adhiniyam) of 1962
29 Saimuddin v Latifunnisa—I L R (1918) 46 Cal 141, Sadiqui v Ataullah) (1933) Lah 685
30 Saifuddin v Soneka A I R (1955)—Ass 153
31 Fyzee—Outlines of Muhammedan Law 1964 pp 142 155

According to Hanafi Law the inability of the husband to maintain his wife does not give her the right to dissolve the marriage[32]. Following the Hanafi Law the courts in India had refused the wife the right to dissolve her marriage on the ground of non-payment of maintenance. The Shafi and the Maliki Laws, however, allowed the wife to obtain divorce on this ground.[33]

4.97 *Dissolution ot Muslim Marriages Act, 1939 ;* This Act took advantage of the law as enunciated by the Maliki and Shafi Schools[34] and recognised the right of a wife to dissolve the marriage on the following grounds[35].

(i) that the whereabouts of the husband have not been known for a period of four years ;

(ii) that the husband has neglected or has failed to provide for her maintenance for a period of two years ;

(iii) that the husband has been sentenced to imprisonment for a period of seven years or upwards ;

(iv) that the husband has failed to perform, without reasonable cause, his marital obligations for a period of three years ;

(v) that the husband was impotent at the time of marriage and continues to be so;

(vi) that the husband has been insane for a period of two years or is suffering from leprosy or a virulent venereal disease;

(vii) that she, having been given in marriage by her father or other guardian before she attained the age of fifteen years, repudiated the marriage before attaining the age of eighteen years; provided that marriage has not been consummated;

(viii) that the husband treats her with cruelty...

(ix) on any other ground which is recognised as valid for the dissolution of marriage under Muslim Law.

Muslim women have benefitted by the Act. The provisions that have been resorted to most frequently are the 'option of puberty' and failure to provide maintenance by the husband.

4.98 *Option of Puberty* : According to traditional Muslim Law, when a minor girl had been given in marriage by the father or the father's father, the marriage was valid. She could, however, repudiate the marriage if she could show that the guardian had acted negligently or fraudulently. But if the minor had been given in marriage by any other guardian, she had the right to repudiate the marriage on attaining puberty.[36] The present Act has modified the traditional law permitting her to exercise the right irrespective of who was the guardian who gave her in marriage. The courts in India have interpreted this right very liberally, often invoking the principles of equity and justice in favour of the girl.[37] They have not rigidly applied the letter of the law in regard to the time when this right could be exercised[38]. It has been held that a minor wife did not lose her right to repudiate the marriage within a reasonable time after she came to know of her right and not necessarily when she attained puberty. In such cases they have even waived the condition of non-consummation when such consummation was by force[39] or before she attained the age of 15.[40]

4.99 *Right of the wife to dissolve the marriage on ground of failure to maintain :* This right has been interpreted in two ways. One group of decisions, basing itself on the traditional 'fault theory', has denied the right to a wife to divorce where her conduct was such as to

32. Hedaya—142, Baillie 1, 447.
33. Ameer Ali—*Mohammadan Law* 1911, vol. 2 pp. 416-521
34. See the statement of objects and reasons, Gazette of India, Part V, 1938, p. 36.
35. See Sec. 2 of the Dissolution of Muslim Marriage Act.
36. Baillie, 1 p. 550;-Tyabji Muslim Law p. p. 91-(1968)
37. Aziz Bano v. Mohammad (1925) 47 I.L.R. All. 823.—In this case a minor Shiah Girl had been given in marriage by her father to a Sunni husband. She was allowed to repudiate her marriage as it was contrary to all rules of equity and justice to force such a marriage on her.
38. Musammat Ayesha v. Mohammad Yunas (1938) Pat. 604.
39. Abdul Karim v. Amina Bibi (1935) 59 Bom. 426
40. Gulam Sakina v. F. S. A. Baksh (1950) Lah. 45

absolve the husband from his duty to provide maintenance[41] The other group has tended to uphold the right, irrespective of the wife's conduct[42]

elimınate
g judicial
a Iyer is,

therefore, significant as he has focussed his observations on the right of the Muslim wife to divorce when her husband has failed to provide her maintenance for two years He has used his erudition to support the theory of dissolution when the marriage has broken down, irrespective of the relative faults of the parties

> "There is no merit in preserving intact the tie of marriage when the parties are not able to and fail to live within the bonds of Allah, that is to fulfil their mutual marital obligations
> which has failed
> when this is not p
> matic approach on
> concepts in advanced countries "[43]

We recommend that the right of the wife to divorce on the failure of the husband to maintain her, irrespective of her conduct which may be the main or contributory cause, should be clearly spelt out

4 101 Muslim Law had always recognised that in some cases the wife may be able to get a divorce To the uncodified law the Dissolution of Muslim Marriages Act 1939 has added further grounds But the power of the husband to pronounce talaq unilaterally remains, and has in no way been curtailed either judicially or through legislation As long as this absolute and unlimited right remains, the position of the Muslim wife will remain insecure and her status cannot be raised We totally disagree with the view that with Justice Krishna Iyer's judgement[45] and her right to obtain divorce by 'Khul', a Muslim woman's rights "are brought into approximation with those of the man[46]" While the judgement is undoubtedly a great step forward, it has to be remembered that she still has to wait for two years without maintenance before getting her release Also, a right to buy her release, as provided in the Koran can hardly be regarded as approximating the unilateral right of the man

4 102 Legislation is the only instrument which can bring the Muslim divorce law into line
tries
geria,
the
which
thout
informing the Arbitration Council has been declared to be an offence

4 103 *We recommend immediate legislation to eliminate the unilateral right of divorce and to introduce parity of rights for both partners regarding grounds for seeking dissolution of a marriage*

Christian Law

4 104 All Christians are governed by the Indian Divorce Act, 1869[47] Under the Act both husband and wife can obtain a divorce, but there is a great difference between the rights of the husband and the wife The husband can obtain a divorce if the wife has committed adultery The wife can seek a divorce on the following grounds[48] —

(a) husband's conversion from Christianity and marriage with another woman,
(b) incestuous adultery,
(c) bigamy with adultery,

---

41 [illegible] R (1951) Nig 273 [illegible]
42 [illegible]
43 [illegible]
44 Ibid
45 Latifi Danial—Outstanding decision on Muslim Personal Law
46 Mahmood Tahir — *Family Law Reform in the Muslim World* pp 272 298.
47 Though the Catholic Church does not recognise divorce the Indian Law makes no distinction between different denominations in this regard
48 Section 11 of the Act

(d) marriage with another woman with adultery;

(e) rape; sodomy or bestiality;

(f) adultery with cruelty;

(g) *adultery with desertion.*

Thus the wife has to prove two offences by the husband before she can obtain a divorce.

4.105 The law is so outdated that the need for revision has been felt for quite some time. The Government, realising the need for reform, referred the matter to the Law Commission in 1960. The Commission prepared a Draft Bill. The Christian Marriage and Matrimonial Causes Bill, 1960, contains almost all the grounds included for divorce under the Special Marriage Act, 1954, such as desertion, cruelty, adultery, leprosy, venereal disease, conversion to another religion, and willful refusal to consummate the marriage.[49] Further, either party to a marriage can also obtain a decree of judicial separation on any of the grounds mentioned for divorce.

4.106 We regret that in spite of these preparatory steps, no action to enact this measure has been taken by the Government so far and *recommend that no further time be lost to reform and amend this law on the lines suggested by the Law Commission.*

Parsee Law

4.107 The Parsees are governed by the Parsee Marriage and Divorce Act, 1936. Both the parties to the marriage can initiate divorce proceedings on the following grounds :—

(a) continuous absence for 7 years without information to those persons who would naturally have heard of him or her;

(b) non-consummation;

(c) insanity;

(d) adultery, bigamy, rape or an unnatural offence;

(e) causing grievous hurt or venereal disease;

(f) imprisonment for 7 years or more;

(g) desertion for three years;

(h) non-resumption of co-habitation following a decree of judicial separation or restitution of conjugal rights;

(i) conversion.

(In addition to these common grounds, the wife can obtain a divorce if she has been compelled by her husband to prostitution. The husband has the right to dissolve the marriage if the wife was pregnant by some other person at the time of marriage.)

Jewish Law

4.108 The Jews in India are not governed by statutory law but by their customary law. Originally, the ghet was the only form of divorce. In India, however, dissolution of the marriage can be done through the court on grounds of adultery or cruelty. The marriages are generally monogamous excepting in certain specified cases. Because they are a small minority, no effort has been made to codify or reform this law. *We feel that this should be undertaken now and the principle of monogamy as well as the normal grounds for divorce as provided in the Special Marriage Act should be adopted for this community also.*

4.109 *Special Marriage Act, 1954* : This Act provides for a secular form of marriage which can be taken advantage of by all persons in India irrespective of their religious faith. Persons who marry under this Act will be governed by the provisions of the Act and not by their own personal law, with respect to their matrimonial rights and remedies.

4.110 The grounds on which divorce can be obtained by either party to marriage are adultery, desertion for a period of three years, cruelty, unsound mind for 3 years, leprosy, venereal disease, continuous absence for 7 years without information to those persons who would naturally have heard of him or her, non-resumption of cohabitation for 1 year following a decree of judicial separation or restitution of conjugal rights. In addition to these, the

49. 15th Report of the Law Commission of India (1960). p. 65

wife can ol ... cial feature of this act is ... All that the parties ne ... petition to the court that they have been living separately for a period of one year or more and that they have not been able to live together and that they have mutually agreed to dissolve the marriage

4 111 *Conversion as a ground for divorce* :—In the field of personal law and particularly in divorce, the existence of various legal systems create a peculiar situation The Constitution recognises the right freely to profess, practise and propagate religion [52] Conversion, therefore, from one faith to another is an individual's right and the motive for the conversion is or should be beyond judicial scrutiny But when such conversion impinges on the right of another person, the question poses a problem In India today as a legacy of the multiple systems, a person by his or her conversion also acquires the right to be governed by a different set of laws Even after the Constitution, the codified Hindu Marriage Act has mentioned conversion as a ground for divorce Is conversion then to be treated as a matrimonial wrong? Under statutory Muslim Law a woman converted to a faith other than Islam or renouncing Islam has only the right to divorce if the husband has committed a matrimonial wrong[53]—conversion per se does not affect the validity of the marriage and is in no way a bar to its continuance. On the other hand, a man converted to Islam for another religion has the right to be governed by his new personal law, including the right to marry more than once This is so even when his first marriage was a monogamous marriage He is also entitled to claim that his new faith does not permit him to remain married to a Hindu and he can, therefore, proceed to dive ... does not recognise conve ... by the marriage of the husb ... convert to Christianity ... drown as a result of the conversion It requires to be proved clearly that cohabitation has been discontinued because of the conversion [56] Under the Parsee Law, conversion is a ground for divorce provided the suit is brought within 2 years This thorny question is dealt with in many ways, but the problem remains of reconciling the right to freedom of religion with the possible impact of conversion on marriages It has been suggested that the question of marital rights on conversion should be go ... [57] T... other is that no converted ... marital rights by resortin ... of deterring people from easy conversion to solve their matrimonial problems, *in our opinion conversion should not be a ground for divorce as it offers an easy way of evading* matrimonial obligations.

4 112 *Divorce by mutual consent* : Our review of the different laws governing divorce indicates that both customary laws and the secular law, i e the Special Marriage Act, 1954 recognise mutual consent as a ground for divorce, but this is conspicuous by its absence in any of the statutory laws governing different communities On the other hand, the religious laws and judicial interpretations of them have generally tended to emphasise the fault theory, being particular to prevent the party guilty of a matrimonial wrong from obtaining a dissolution of the marriage This leads often to the use of perjured evidence As there is even today an indirect way of getting divorce by mutual consent, by registering one's marriage under the Special Marriage Act after ... rites, *we recommend that* ... *adults whose marriage has, ir* ...

4 113 *Prostitution as a ground for divorce*. The provision in the Parsee Marriage and Divorce Act, 1936 which enables a wife to obtain a divorce if her husband has compelled her

50 Sec 27 of the Act
51 Sec 28
52 Article 25
53 Sec 4—Dissolution of Muslim Marriages Act, 1939
54 Sec 10
55 Preamble "legalise the dissolution of marriages of converts to Christianity deserted or repudiated on religious grounds by their wives or husbands"
56 Sec 4 & 5
57 Ayeshabibi vs. Subodh Chakravarty (1945) 49 C W N 439 ... case is not a
58 ... Act, 1925 ...

to prostitution, in our view, is a very desirable protection. *We recommend inclusion of this provision in all other Personal laws.*

4.114 *As a general principle, we recommend parity of rights regarding grounds for both husband and wife.* This already exists in some of the personal laws, and in our view is essential to guarantee equality of status for both partners. It may be noted that the findings of our survey on this question shows an overwhelming opinion in favour of parity. 74 per cent of the respondents (72.9 percent males and 74.37 per cent females) have stated that the grounds for divorce should be the same for both husband and wife[59].

V Adoption

4.115 "Adoption is the institutionalised practice through which an individual belonging by birth to one kinship group acquires new kinship ties that are socially defined as equivalent to the congenital ties. These new ties supersede the old ones either wholly or in part"[1]. It is the act of a person who takes upon himself the position of a parent to a child who is not in law his own child.

4.116 The origin of the custom of adoption is lost in antiquity. It has, however, been recognised in India for centuries and is also recognised in other South Asian countries, such as Burma and Thailand.[2] Adoption forms the subject matter of personal law. In India the only personal law which recognises adoption in the true sense of the term is Hindu Law which regarded adoption as the 'taking of a son as a substitute' in case there is no male issue.

Muslim Law

4.117 Even though Muslim Law does not recognise adoption, in India previously the law had permitted this right to Hindu converts to Islam, who had enjoyed this right prior to their conversion.[3] This customary right was, however, partially abrogated by the Shariat Act under which a Muslim could make a declaration that he and his sons would in future give up all customary rights including that of adoption and be governed by the Act.[4]

4.118 But the custom of adopting sons was in vogue in Arabia at the time of the Prophet Mohammad. The word adia used in the Holy Quran means adopted sons.[5] Justice Ameer Ali held that a family Waqf could be made not only for the benefit of descendants of the founder but also of dependents, which would include an adopted child who has resided with the settler as a dependent relation.[6] The Lahore High Court held the word 'family' to include an adopted child who had resided with the settler as a dependent relation[7]. All these clearly indicate that adoption was not unknown among Indian Muslims.

4.119 Islam never gave any special significance to an adopted son, as it does not to a natural son. Islamic religion, unlike the Hindu one, does not associate a son, or any other relative, with the performance of the last rites of a deceased Muslim whether male or female. It, therefore, does not recommend adoption of a son or a daughter for a person dying issueless, nor does it absolutely prohibit it. The Quranic verses having a bearing on adoption did not lay down a specific negative rule.[8]

Parsee Law :

4.120 For the Parsees, there is no law of adoption as such or is adoption recognised by custom. However, the widow of a Parsee dying issueless can adopt a *Palak* on the 4th day of the deceased's death, for the ad-hoc purpose of performing certain religious rites for the deceased. This adoption is only for a limited purpose and does not confer any proprietary rights on the Palak.

---

59. Vide Appendix I.
1. International Encyclopaedia of the Social Sciences. Vol. I p.9
2. The importance of adoption and recognition of the status of an adopted child is brought out by the fact that 23 "countries including Turkey and U.A.R. signed the Convention on Jurisdiction, Applicable Law and Recognition of Decrees Relating to Adoptions" at the 10th session of the Hague Conference of Private International Law 1964. Many European countries, such as the Federal Republic of Germany, Italy and U.K. have their own laws of adoption.
3. Bai Machhai v. Bai Hirabai, ILR (1911) 35 Bom-264. It should be noted that Muslim Law will not recognise any customary right which is against the tenets of Islam.
4. The Muslim Personal Law (Shariat) Application Act, 1937 amended 1943—Sec 3(c).
5. Latifi Danial, Adoption and the Muslim Law, JII Vol. 16 p. 118 (1974).
6. Ameer Ali, *Mohammedan Law* p. 276 (1912)
7. Mubarak Ali vs. Ahmad Ali, A.I.R. (1935) Lahore 414.
8. There shall be for believers no bar to the wives of their adopted sons finally repudiated by the latter whose term of 'idda' has expired. Holy Quran IV : 23.

Christian Law

4.121 The institution of adoption is not known in Christian Law in India If Christian parents have no issue and desire that some child takes that place, the only way open for them is to approach the Court under the Guardian and Wards Act and be appointed a legal guardian This is the procedure being followed today also by foreigners who want to adopt Indian children In such cases if the Court has given permission for the child to be taken out of the country, adoption according to foreign law (i e law of the guardian) takes place outside the country

Hindu Law

brought in line with
to ensure spiritual
The devolution of
property was regarded as of secondary importance It was because of this basic approach to adoption that Hindu Law did not recognise the right of a Hindu to adopt girls as she could neither ensure spiritual benefit nor continue the line of her father.

4 123 With the passing of the Hindu Adoption and Maintenance Act 1956, the whole basis of adoption has been changed The Act makes three clear departures from the previous law of adoption —

(a) A Hindu can now adopt either a son or a daughter, since the religious purpose has given place to the secular idea of parents wanting a child

(b) The husband can no longer give or take in adoption without the consent of the wife In the case of an existing marriage, however, the primary right continues to be of the husband The wife's right being confined to consent only, is in a sense, continuation of the 'Superior' right of a man which has been the running theme in Hindu Law [11]

(c) A woman can now adopt, if she is unmarried, widowed or divorced Similar right is conferred on a married woman if her husband has completely and finally renounced the world, has ceased to be a Hindu, or has been declared by a Court to be of unsound mind [12]

4 124 The uncodified law did not recognise the right of a woman to adopt and even in the case of a widow, who adopted as the agent of her late husband, the rules differed and some schools prohibited it altogether [13]

The fundamental departure that the new Act has made, is in recognising the right of a woman to adopt in her own right and no longer as the agent of her husband (dead or alive)
4 125 While the Act has certainly improved the status of women, *we recommend that the right of adoption should be equal for husband and wife, with the consent of the other spouse* [14]

4 126 We welcome the step taken by the Government in introducing an uniform and secular law of adoption—The Adoption of Children Bill 1972—which is now before Parliament, since this would benefit the entire community.

4 127 The statement of objects of the Bill reads "In India there is no general law of adoption though it is permitted by statute among Hindus and by custom amongst a few numerically insignificant categories of persons In recent years there has been a growing demand for a general law of adoption in India "

4 128 The growing demand was noticed by the Committee during its tours as a large number of women expressed their approval of the right of adoption being extended to all.

4 129 *We recommend the early enactment of the Bill as it will extend the right of adoption equally to men and women of all communities, and will be a step towards a uniform secular law*

---

er the Hindu Law of adoption as interpreted
benefit which was the guiding principle "

was "Nor let a woman give or accept a son,
ous interpretations and where followed, Mulla—

14 As provided in Sec 5 of the Adoption of Children Bill 1972

VI—Guardianship

4.130 In dealing with the question of guardianship of a minor child, two principles should be kept in view—the interest and protection of the child, and parental right. It was assumed, at one time, that both these principles coincided and there could never be a conflict. For example, the offence of kidnapping is committed when the minor child is taken out "of the keeping of the lawful guardian without his consent."[1] The motivation of the person who takes the child and whether such an act is in the child's interest, are factors which do not negative or even mitigate the culpability of the offence. Today, however, there is a shift and the interest of the child is in many cases the paramount consideration that law bears in mind. Therefore, legislation protects a person who reports and often takes to the police a child who is neglected. Such a child can be removed from parental custody and kept where his best interests would be served.[2]

4.131 In earlier years parental authority was synonymous with paternal authority and "social and legal thought rigidly adhered to the proposition that the father by his natural right is entrusted with the care and control of his children."[3] Contemporary thought reflected in legislation of various countries has shifted to regarding the child's interest as of prime consideration and parental rights as being subordinate to it. But unfortunately our law does not clearly reflect this trend. In this branch of law, perhaps more than anywhere else, the judiciary has to set the pace in changing our prevailing norms.

4.132 A guardian may be natural, testamentary or appointed by court. In deciding the question of guardianship two distinct things have to be taken into account the person of the minor and his property. Often the same person is not entrusted with both. As in other spheres of family law there is no uniform law. Three distinct legal systems are prevalent, Hindu Law, Muslim Law and the Guardians and Wards Act, 1890.

Hindu Law :

4.133 The Hindu Minority and Guardianship Act, 1956 has codified the law but as in the uncodified law it has upheld the superior right of the father. It lays down that a child is a minor till the age of 18. The natural guardian for both boys and unmarried girls is first the father and after him the mother.[4] The prior right of the mother is recognised only to custody in the case of children below five but even this right is qualified by the word 'ordinarily'. It has, however, taken away the right of the father, which he enjoyed before, of appointing a testamentary guardian and thereby depriving the mother of the right. Under the present law the father cannot resort to this device. In the case to illegitimate children, the mother has a better claim than the father.

Hindu law, however, makes no distinction between the 'person' of the minor and his property and therefore guardianship implies control over both.

4.134 The Act, however, directs that in deciding this question, courts must take the 'welfare of the child[5]', as of 'paramount consideration'. It is under this principle that the judiciary has an important role to play, when there is a conflict between the paternal right and the welfare of the child. Recently, the Supreme Court held that in special circumstances the mother could be held to be the natural guardian even when the father was alive. Though the Supreme Court[6] has used words like 'may be considered' and 'special circumstances', we hope that this judgement of the highest court will guide the lower courts, and prevent them from invariably upholding the father's right, even when it is against the interest of the child.

Muslim Law :

4.135 Under Muslim Law the father's dominant position is recognised and his rights are very wide, but there is a distinction between guardianship and custody. The term guardianship is usually used with reference to the guardianship of property. This belongs preferentially to the father, in his absence, to his executor. If the father had not appointed any

---

1. Sec. 361 Indian Penal Code.
2. Children's Act, 1960—Sec.
3. *Diwan Paras, Law of Parental Control, Guardianship and Custody of Minor Children* (1973) preface pt. VIII.
4. Sec. 6.
5. Sec. 13.
6. Jija Bai vs. Pathan Khan 1971 S.C. p. 315. The judgement has been referred to as "a welcome one which accords well with our social circumstances" Dewan P op. cit. p. 94.

...e difference ... the grand- ... ols however agree that the father while alive is the sole guardian The mother is not recognised as a natural guardian even after the death of the father.

4 136 There is some difference of opinion as to whether the right of the natural guardian extends only over the property rights of the minor or also over his person In the case of the father, there is no doubt that his right extends to both property and person Even when the mother has custody of the minor child, the father's general right of supervision and control remains The father, if he so desires, may appoint the mother as a testamentary guardian Therefore, though the mother may not be recognised as a natural guardian, there is no objection to her being one under the father's will When she is a testamentary guardian she will have the right to control both the person and the property of a minor The Shias however do not recognise the right of mother to be a testamentary guardian if she is a non Muslim Under both the schools, a mother has no right to appoint a testamentary guardian, except when she herself has been appointed as a general executrix under her husband's will

4 137 Though a mother cannot be a maternal guardian Muslim Law recognises that she has the prime right to custody of minor children (hizanat) This right is recognised by all authorities under Muslim Law "The mother is of all persons best entitled to the custody of her infant children " (Fatwai Alamgiri)

4 138 In the case of a woman custodian the following qualifications are required —

(a) of sound mind

(b) of good moral conduct

(c) living in such a place where there is no risk, morally or physically to the child

(d) of such an age which would qualify her to bestow on the child the care it may need

The last does not apply when the custodian is the mother There is no general agreement however, about the qualifications necessary, if any, when the custodian is a man

4 139 The mother's right of custody or *hizanat* appears to be an absolute right and even the father cannot deprive her of it Misconduct is the only condition which can deprive the mother of this right There is however no unanimity about whether this is a maternal right or a right in the interest of the child The distinction though subtle, is relevant because if it is a maternal right then only her positive misconduct can lead to her deprivation of the custody, if it is a right in the interest of the child, then even when there is no misconduct on her part she may be deprived on the ground that some other person is more suitable as a custodian This question still remains an open one There has been no clear cut judicial pronouncement on this matter in India In Pakistan it has been decided that '*hizanat*' is based on the presumption of welfare of the minor and therefore could be rebutted [7]

4 140 There is a difference between the Shia and Hanafi school about the age at which the right of the mother to custody terminates In the case of a minor son, the Shia school holds that the mother's right to *hizanat* is only during the period of weaning which is over when the child has completed the age of two The Hanafi school, on the other hand, extends the period till the minor son has reached the age of seven. Both schools agree that the same age cannot be applied when the minor is a girl The Shia Law upholds the mother's right till the girl reaches[7] and the Hanafi school till she attains puberty Both schools agree that only the mother has the right to the custody of a minor married girl till she attains the age of puberty.[8]

4.141 The Muslim concept of *hizanat* is definitely an advance on the other legal systems, because it recognises that for a minor child the mother's care and control is more desirable The father, therefore, is required to pay maintenance to the mother for the child for this period

7. Cited in Ashraf Kazi Muhammad, *Family laws in Pakistan* p 108

8 Dewan P op cit, pp 135 137

Guardians and Wards Act, 1890 :

4.142 The supremacy of paternal right is the keynote of the Guardians and Wards Act which governs all cammunities other than Hindus and Muslims. It clearly lays down that the father's right is primary and no other person can be appointed unless the father is found unfit. However, as in the Hindu Law, the Act provides that the court must bear in mind the welfare of the child, though this is not mentioned as being of paramount consideration. In recent years, however, some of the decisions have broken away from the past attitude, looking upon the father not only as a natural guardian but as having "an inalienable right over his child"[9], and now hold that "the welfare of the minor is the prime consideration and even the paramount right of the father should be subordinated ....."[10]

4.143 **We recommend :**

1. that the control over the person and property of a minor cannot be separated and should vest in the same person;
2. the question of guardianship should be determined entirely from the point of view of the child's interest and not the prior right of either parent;
3. the parent who does not have guardianship should have access to the child;
4. whatever the decision taken earlier the child's choice of guardians should be obtained when the child reaches the age of 12.

4.144 *We support the recommendations of the U.N. Commission* on the Status of Women which[11] are as follows :—

(a) "Women shall have equal rights and duties with men in respect to guardianship of their minor children and the exercise of parental authority over them, including care, custody, education and maintenance;"

(b) "Both spouses shall have equal rights and duties with regard to the administration of the property of their minor children, with the legal limitations necessary to ensure as far as possible that it is administered in the interest of the children;"

(c) "The interest of the children shall be paramount consideration in proceedings regarding custody of children in the event of divorce, annulment of marriages or judicial separation."

(d) "No discrimination shall be made between men and women with regard to decisios regarding custody of children and guardianship or other parental rights in the event of divorce, annulment of marriage or judicial separation."

VII—Maintenance

4.145 The obligation of the husband to maintain his wife arises not out of any contract, express or implied, but out of the status of the marriage. As in other branches of law, the right to maintenance forms a part of the personal law and therefore is not uniform.

4.146 Apart from the right given in the personal laws the Criminal Procedure Code, enacted in 1898, provided for right of maintenance. The right of the wife and dependent children to move the court for relief against the husband or the father who neglects or refuses to maintain his dependent family members is thus not confined to any particular religion but is given to all wives and children irrespective of their personal laws. To this extent uniformity had been achieved in at least one aspect of family law. Considering the date of this law, the obligation was, understandably, confined to only the husband or the father, with no corresponding obligation being placed on the wife or the mother.[1]

4.147 This Code has, however, been repealed recently and we are today governed by the New Criminal Procedure Code of 1974. In spite of the passage of 76 years, however, the new Code continues to reflect the old attitude to women. With some modifications like extending the right to demand maintenance to indigent parents and to divorced wives, the

---

9. Abdul Aziz Khan vs. Nanhe Khan 1927 All p. 458
10. Baddi Reddi Bulliraju v.s. Kadam Surya Rao, 1959 Ap p. 678
11. 20th Session, 13th February to 6th March, 1967.
1. Order for maintenance of wives & children—Sec. 488 Criminal Procedure Code.

gation to maintain continues to be that of the man [2] In the changed social context particularly in view of our avowed declaration of equality, it is irrational to place obligation only on the man However, small the number may be, there are today wo economically independent who can not only look after themselves but also their husbands children Similarly the duty to look after indigent parents cannot be restricted only sons As a matter of fact the exclusion of daughters from the obligation may be used as argument to deprive them of their share in the father's property

4 148 As we believe in equal status of husband and wife and of son and daughter, *we recor mend amendment of the law to provide for obligation of the economically independent woman*

(a) to maintain her dependent husband

(b) to share with him the duty to maintain their children,

(c) to share with her brothers the duty to maintain their indigent parents

The inclusion of the right of maintenance in the Criminal Procedure Code has the great advantage of making the remedy both speedy and cheap The underlying principle of this is to prevent starvation and vagrancy, which usually leads to the commission of crimes [3] From this point of view, it seems unjustified to limit the total amount of maintenance for all dependent persons to Rs 500 [4]

4 149 We welcome the extension of the right to divorced wives as the previous restriction to wives only was an obstacle to a woman wishing to free herself from a marriage which was causing her no happiness or satisfaction But in extending this right to divorced wives uniformity has been sacrificed and no longer can all women claim to be governed by the same law which they could since 1898 An exception has been introduced,[5] to deny maintenance to those divorced wives who have received a 'sum of money payable under customary or personal law' This clearly excludes Muslim women who may have got the dower at the time of the dissolution There is no scope even for judicial scrutiny to examine whether the amount paid as dower is adequate for maintenance or not This exclusion of all divorced Muslim women defeats the purpose of the section to provide a speedy remedy to indigent women

4 150 *We therefore recommend that the ceiling placed on the maximum amount payable as maintenance should be removed and the term 'wife' to include divorced wife be made applicable to all women without any exception*

Hindu Law

4 151 Unlike the right given under criminal law, where the claim of the wife depends on the husband having 'sufficient means', under Hindu Law her right is absolute and the usband cannot claim inadequate means to deny maintaining her [6] Even a previous order of he criminal court will not bar her right to seek further relief in a civil court But she loses er right if she deviates from the path of chastity Even a single lapse from chastity may ffect her right detrimentally [7] Under criminal law, however, the right will be affected only the wife is living in adultery at the time of her claim Her past adultery will not affect r right but may be a factor in fixing the amount of maintenance

52 The exacting standards are perhaps explained by the fact that both under the odifed Hindu Law as well as under the present law, the Hindu Adoption and intenance Act 1956 she gets a real maintenance According to judicial opinion 'just an quate fare with nothing for clothing residence as also for medical attendance and treat- t falls short of maintenance" and these are "minimal in a civilised society' [8] In asses the amount of maintenance, the court takes into account various factors like the position status of the parties, the reasonable wants of the claimant and the obligations and ities of the husband It also judges whether the wife is justified in living apart from isband The justifiable reasons are spelt out in the Act [9]

Order for maintenance of wives children & parents—Sec 125 Criminal Procedure Code 1974 (New Code)

Law Commission of India—41st Report p 303

Magistrate order a monthly allowance not exceeding five hundred rupees in the whole

Sec 127 (3) (b) Criminal Procedure Code 1974

Mulla Hindu Law (1970) p 597

"A Hindu wife shall not be entitled to separate residence and maintenance from her husband if she The Hindu Adoption and Maintenance Act 1956 Sec 18 (3)

Kiranbala Saha vs. Bankim Chandra Saha 1967 Cal 603

(a) if he is guilty of desertion that is to say of abandoning her without reasonable cause and without her consent or against her wish or of wilfully neglecting her;

4.153 The lacuna in limiting the obligation of maintenance to the man only has been remedied by the codified Hindu Law. Maintenance pendente lite (pending the suit) and even the expenses of a matrimonial suit will be borne by either husband or the wife if the other spouse has no independent income for his/or her support. The same principle will also govern the payment of permanent maintenance[10] and the court will fix the amount taking the needs of the applicant into account. If necessary the Court may secure the payment of this amount to the party concerned, by securing a charge on the immovable property of the respondent. Such a right will continue as long as the applicant for maintenance remains unmarried.

4.154 It is strange that while the question of maintenance as a real need and responsibility of either spouse was recognised by the Hindu Marriage Act as early as 1955, the Criminal Procedure Code passed in 1974 should have reverted again to the 19th century concept which regards woman as only a dependent.

Muslim Law

4.155 Maintenance of the wife is a precept in the Quran and the highest obligation of the husband. Maintenance (nafaqa) includes food, clothing and lodging and is in no way dependent on the husband's means or on the wife's lack of possession of an independent income.[11] She has, however, to be accessible to the husband and obey his reasonable commands. The Muslim wife also has the right to sue her husband under the Criminal Procedure Code, but under that law the sum ordered can never exceed Rs. 500. Under the personal law, the court while fixing the amount, considers the rank and the circumstances of both the spouses. As already discussed, failure of the husband to maintain his wife for two years entitles her to get a divorce.[12] Her right to maintenance lasts only as long as she remains a wife. If she is divorced she loses her right of maintenance and is only entitled to it for three months (the period of iddat). After this period she has no further claim and it is this which has created a discrimination between the Muslims and other Indian women. *We recommend the removal of this discrimination and extension of right of maintenance to divorced wives.*

Parsee Law

4.156 The Parsee Marriage and Divorce Act 1936, being a pre-independence legislation recognises only the right of the wife to maintenance—both alimony pendente lite as well as permanent alimony. The maximum amount that can be decreed by the court as alimony during the time a matrimonial suit is pending in court is 1/5th the husband's net income. In fixing the quantum as permanent maintenance, the court will determine what is just bearing in mind the ability of the husband to pay, the wife's own assets and the conduct of the parties. The order will remain in force as long as the wife remains chaste and unmarried.[13] The right of the wife to be maintained by the husband has been regarded as being an inherent right. Therefore any contract by her giving up future rights of alimony has been regarded as contrary to public policy.[14]

Christian Law

4.157 The maintenance rights of a Christian wife are governed by the Indian Divorce Act, 1869. The provisions are the same as those under the Parsee Law, and the same considerations are applied in granting maintenance both alimony pendente lite as well as permanent maintenance. Apart from similar provisions in the Parsee Act, there are two sections in the Indian Divorce Act which reinforce the guilt theory on which the Act is based but which indirectly affect maintenance rights. One provides that if a divorce or judicial separation

---

(b) if he has treated her with such cruelty as to cause a reasonable apprehension in her mind that it will be harmful or injurious to live with her husband;
(c) if he is suffering from a virulent form of leprosy;
(d) if he has any other wife living
(e) if he keeps a concubine in the same house in which his wife is living or habitually resides with a concubine elsewhere;
(f) if he has ceased to be a Hindu by conversion to another religion;
(g) if there is any other cause justifying her living separately.

10. Hindu Marriage Act. Sec. 24 and Sec. 25
11. Verma B.R.—Muslim Marriage and Dissolution (1971) p. 93
12. Vide Section IV of this Chapter
13. Secs. 39 & 40 (i) of the Act.
14. Hirabai Bharucha vs. Pirojshah Bharucha, AIR 1954, Bombay 537.

... by the husband on the ground of the wife's adultery and the court finds that the wife is entitled to some property, it may in its discretion order that the whole or part of the property should be settled for the benefit of the husband or the children. The other provide that where the court has decreed damages to the husband against the adulteror of the wife the court may in fixing damages make an order that the whole or part of the amount recovered should be settled for the benefit of the children or used as a provision for the maintenance of the wife.

Other Suggested Amendments

4.158 While the right of maintenance is recognised in all the different personal laws the common problem faced by most women even amongst the very few who know of their rights is the expense and delay in first getting an order from court. Often a counter claim is made by the husband for restitution of conjugal rights in order to defeat or at least delay her right. Even when the order for maintenance is made the husband very often fails to pay after a few months and this entails the wife's going again and again to court and undergoing tremendous delay and expense. The arrears of maintenance is treated as a debt and recovery of it is by the ordinary procedure laid down for all other debts. This is very often expensive and time consuming.

4.159 *In order to minimise the hardship caused by nonpayment of maintenance and to ensure certainty of payment we recommend that all maintenance orders should be deducted at the source by the employer (as done in the case of income tax). Where it is not possible to deduct at the source as in the case of a business man or a self employed person the arrears of maintenance should be recovered as arrears of land revenue or by distress.*[1]

4.160 As this procedure has been adopted in the recovery of income tax extension of it in the field for recovery of a maintenance order should not pose any undue difficulty. An additional mode of execution of the maintenance decree may be to adopt the same procedure as is done in the case of fines under the Criminal Procedure.[2] This has the advantage of making the recovery both cheap and speedy.

4.161 The ultimate and the best solution however lies in leaving a specialised court like he Family Court to deal with the entire question of maintenance. Apart from matters like he income of the respective spouses or the degree of financial dependence a Family Court ould be able to approach the question taking an overall view. The matters for considera on would be (a) the husband's obligation to his divorced wife as well as obligations curred by him by a subsequent marriage and (b) the divorcee's degree of dependence on the intenance order and her efforts to become financially independent. A continuing process of essment is necessary and only a specialised court (which will be free of the tremendous ssure of work and time an ordinary civil court has today) can exercise this vigilance.

I.—Inheritance

stian Law

As far back as 1925 the existence of a large number of statutes dealing with succession e government to pass the Indian Succession Act. The object of the Act was to con te the large number of laws which were in existence and not to unify them.[1] The laws ing succession of Muslims and Hindus were excluded from the purview of this Act.[2] process of consolidating two clear schemes were adopted—one dealing with the ion rights of persons like Indian Christians, Jews and those married under the Special ge Act (1955) and one for succession rights of Parsis.

n the first scheme (persons who were not Parsis) when an intestate died leaving a nd a lineal descendant she would be entitled to a fixed share of one third of the and the children irrespective of their sex would share equally. This law was with the object of improving the rights of the widow and it was provided that

---

ec 39 of the Act.

agri M C J *Elements of Income Tax Law* p 107. Distress has been explained as an unusual and ocess (where) the movable property of the defaulter can be seized. ibid p 108.

c 421.

atement of Objects & Reasons as given by the Statute Law Revision Committee.

well as of Buddhists, Sikhs and Jains. Indian Succession Act Sec 29.

where the intestate died leaving a widow and no lineal descendant and the net value of the estate did not exceed Rs. 5,000/-she would be entitled to the whole of his property.[3] Where the net value of the estate exceeded rupees five thousand, she was entitled to a charge for a sum of rupees five thousand (with interest at four per cent till payment) and in the residue she was entitled to her intestate share. The section applied only in cases where the deceased had died intestate in respect of all the properties.

4.164 But inexplicably even this limited benefit has been denied to the following categories of persons :

(1) Indian Christians;

(2) Any child or grandchild of any male person who is or was at the time an Indian Christian; or

(3) Any Hindu, Buddhist, or Jain, succession to whose property is governed by the Indian Succession Act.[4]

Since this provision seeks to give better rights to a widow without lineal descendants, the denial of the benefit to the above mentioned groups can not be justified on the grounds of policy.

4.165 But the Act confers no restriction on the power of a person to will away his property. Therefore the protection enjoyed by a Muslim widow to a share of the estate[5] and by the Hindu widow to being maintained[6], is denied to other widows under this law. There is, therefore, a need to incorporate some restrictions, on testation similar to that prevailing under Muslim, Law[7] to prevent a widow from being left completely destitute.

Christians in Kerala :

4.166 To add to the diversity of laws, the Travancore High Court held that the Indian Succession Act did not apply to the Christians of the State. The result of the decision was that Christians in Kerala and those outside are governed by different laws. The decision also continues the multiplicity of laws which govern Christians even within the State. The Travancore Christian Succession Act[8] governs the succession rights of Christians in Travancore but the Act is not applicable to those following the "Marumakkavazhi System"[9] of inheritance. To add to this certain sections of the Act are not applicable to certain classes of the Roman Catholic Christians of the Latin Rite[10] and to Protestant Christians living in the five taluks mentioned therein[11] among whom male and female heirs of the intestate share equally. The Cochin Christian Succession Act,[12] generally governs the Succession to the properties of Christians in the former territory of the Cochin State. The Cochin Act exempts members belonging to the European, Anglo-Indian and Parangi communities, and the Tamil Christians of the Chittur Taluk who follow the Hindu Law.[13]

4.167 A characteristic feature of the Travancore and Cochin Christian Succession legislations is that they are based on the former notions of the Hindu Law of Inheritance which discriminated against women. Therefore a widow or mother inheriting immovable property takes only a life-interest terminable on death or remarriage.[14] A daughter's right is limited to "Streedhanam". Even in cases where she is entitled to succeed she takes a much lesser share.

---

3. Sec. 33 (a)
4. Ibid
5. Infra
6. A Hindu widow who has been disinherited is entitled to maintenance from persons taking the estate of her husband.
7. Kurian Augusty vs. Devassy Aley—AIR 1957 T.C.1.
8. The Travancore Christian Succession Act 1092 (.....), 1916 hereinafter referred to as the Act or the Travancore Act.
9. Ibid. Sec. 3
10. Abdurahiman vs. Augustinju AIR, C.T. 176 : The seven hundred community of Latin Catholics did not follow the custom of giving equal share. Varghese, *Inheritance of Latin Catholic Females*, 1965 L L.T. (J) 89
11. Karunagappally, Quilon, Chirayinkil, Trivandrum and Neyyattinkara Taluks.
12. The Cochin Christian Succession Act, 1097 (M.E.)—1921 A.D. Hereinafter referred to as the Cochin Act.
13. This was confirmed by the Supreme Court as recently as 1969 "The Vanniya Tamil Christians of Chittur Taluk are governed by the Mitakshara School of Hindu Law in regard to inheritance and succession". Anthonyswamy vs. Chinnaswamy, (1969) S.C.C. p. 18
14. It lays down : "Over any immovable property the widow or mother becomes entitled to under Sections 16,17 and 22 she will have only a life-interest terminable at death or re-marriage". The Travancore Christian Succession Act, 1016, Sec. 24.

4 168 Widow —Under the Travancore Act if the intestate has died leaving a widow and lineal descendants the widow is entitled to a share equal to that of a son If on the other hand, the intestate dies leaving a widow and daughters (or the descendants of a daughter) her share will be equal to that of a daughter The nature of her interest (i e life interest) is the same when she takes the property in the absence of any lineal descendants The widow's share is half when the intestate dies without leaving any lineal descendant but has left behind his father or mother [15]

4 169 According to the Cochin Act when there is a son or the lineal descendants of a son, the share of a widow is equal to two thirds that of a son If the intestate has left no son or the lineal descendant of a son, she is entitled to a share equal to that of a daughter [16]

4 170 Daughter —Even though she is mentioned as an heir along with a son in Group I *of section 25 of the Travancore Christian Succession Act, a daughter is entitled to* "Streedhanam"[17] only The Streedhanam of a daughter, for the purpose of the Act, is *fixed at one-fourth the value of the share of a son or Rs 5 000/—whichever is less* [18]

4 171 The Cochin Act provides that where an intestate has left sons and daughters, each daughter shall take one third share of a son [19] But like the Travancore Act an important limitation in regard to a daughter's share is laid down in Section [20] This in effect makes the right of a daughter to receive streedhanam[21] only But the Cochin Act does not specify a limit on the amount of Streedhanam Both legislations however, provide that streedhanam which has not been paid, but promised by the intestate, will be a charge on his estate

4 172 It is, therefore, apparent that the rights of inheritance of Christian women under the Travancore and Cochin Acts are meagre Even these rights may be defeated as the testator has the absolute power of willing away his entire property

4 173 *We recommend that immediate legislative measures be taken to bring Christian women of Kerala under the Indian Succession Act as a first step to unify the law and as suggested above restrictive power be placed on the unfettered right of a person to will away his entire property*

Goa & Pondicherry

4 174 The Christians of Goa were governec [illegible] continue to be so even today The result is not only an [illegible] laws but the prevalence of a legal system which is totally [illegible] in the rest of the country

4 175 While the Portuguese Civil Code makes no differentiation on the basis of sex, it relegates the widow to a very low position The order of the legal heirs of a person are first sons and daughters who get the property in equal shares Failing them the parents inherit, followed by the brother and his descendants The widow will inherit only if there is no heir in the above classes But the widow will become the owner of "the agricultural commodities and fruits called or pending meant and necessary for the consumption of the conjugal couple She will however lose even this right if she is divorced or separated from her husband [23]

Sec 11 and 12

[illegible]

K L T (J) 43

18 The Travan[illegible] [illegible]

19

20 [illegible] Notwithstanding anything in the foregoing [illegible] [illegible]tracted to be given by the father mother [illegible] woman nor any lineal descendant of hers as [illegible] [illegible]y of them dying intestate if (1) a brother [illegible] [illegible]) the lineal descendants of such a [illegible]

[illegible]streedhanam thus Strehdhanam [illegible] or guard an in connection with

4.176 Unlike the Christians in other parts of India, a person cannot will or gift away his entire property to the exclusion of his legal heirs. The portion over which a person has no control is known as legitim and usually consists of half the property.[23] But even this legitim can be denied to an heir under certain conditions e.g. if a child lodges a complaint against his parents for an offence which is not against his person or against his spouse.[24]

4.177 But even a disinherited heir is entitled to maintenance.[25] The recognition of equal rights for sons and daughters is undoubtedly to be welcomed but to relegate the widow to the fourth position and leave her with only the fruits and agricultural commodities needs to be remedied immediately.

4.178 The legal system for Christians prevailing in Pondicherry is extremely anomalous. During the French rule both Hindus and Indian Christians were governed by the Hindu Law. After Pondicherry became a part of India, the Hindu Succession Act was extended to the State but as that Act only applies to certain categories of persons who come under the term 'Hindu', the Indian Christians in Pondicherry can no longer be governed by it. The Indian Succession Act has not been extended to the State. so the Christians there continue to be governed by the precodified Hindu Law, which relegates a woman to an inferior position and does not even regard her as being full owner even in the few cases where she can inherit property. The resultant position is anachronistic and should be remedied immediately.[26] (*We recommend extension of the Indian Succession Act to Goa and Pondicherry*).

Parsee Intestate Succession

4.179 A feature of the rules governing the Parsi intestates is, that like the Hindu law and unlike the Muslim law, there are separate rules for the devolution of the property of male and female Parsi intestates. The rules relating to the intestate succession of males have the characteristic of Muslim law, namely, the share of a male heir is double that of a female heir of the same degree. For example, if a male Parsi dies leaving a widow and children, the property will be divided so that the share of each son and widow will be double the share of each daughter. Further, if a male Parsi dies leaving one or both parents, in addition to a widow and children, the property will be divided so that the father shall receive a share equal to half the share of a son and the mother will receive a share equal to half the share of a daughter[27]. The inferior position of a mother in the scheme of succession thus becomes evident and the position is radically different from that which prevails under the Hindu Succession Act, 1956[28].

4.180 The above position may be contrasted with the rules applicable to the succession of a female Parsi intestate. If she dies leaving a widower and children, the property will be divided equally among them and if she dies leaving children only, among the children equally. Thus, while a son is entitled to an equal share in the mother's property along with the daughter. the daughter is not entitled to the same right when she inherits the property of the father along with the son.

4.181 It should be pointed out that the above provisions were enacted in 1939[29]. At the time these rules conferred better rights on women than the then existing Hindu and Muslim laws. But with the passage of time, these rules have become out of step with the progressive trends in the society. The Parsi daughter's share remains half of that of a son as in Muslim law, but she is denied protection against disinheritance which is the beneficial feature of Muslim law.

---

23. Article 1784.
24. In the case of a child he can be disinherited in the following cases :
   (i) if he commits against their person any offence punishable with term of imprisonment over six months;
   (ii) if he judicially charges or lodges a complaint against his parents for offence which is not against the child's person or against his consort, ascendants, descendants or brethren;
   (iii) if the child, without just cause, denies to his parents due maintenance. Art. 1876. The other grounds which the remaining classes of heirs can be disinherited are given in the following articles—1877 to 1899.
25. The person who gets the property in place of the disinherited heir has to maintain him but only to the extent of the property he has inherited Article 1883.
26. Note of A.P. Jegaraj to the Committee on the Status of Women.
27. The Indian Succession Act, 1925, Sec. 51 (I) & Sec. 52 (2).
28. A mother inherits equally with the widow, sons, daughters as a Class I heir.
29. Act XVII of 1939. The amending Act of 1939 was repealed in 1942 (Act XXV of 1942) and the provisions were incorporated in the Indian Succession Act of 1925.

4 182 Further, it is extremely doubtful whether sections 5 to 56 of the Indian Succession Act govern the devolution of agricultural properties, as the Central Legislature was not competent to enact legislation relating to agricultural lands, in 1939[30]. Therefore, it would [illegible] ng to the rules in force prior to the amend- [illegible] our times that of a daughter, the widow's and mother are not entitled to any share

Hindu Law

4 183 The problem of succession cannot be understood without reference to the law of joint family Under the Mitakshara law, the law of succession is intimately connected with the special incidence of coparcenary properties In coparcenary properties a son, son's son and a son's grandson acquire a right by birth Thus only males can be coparceners

4 184 The salient feature of a Mitakshara coparcenary is the existence of community of interest, unity of possession and the right of survivorship among the coparceners So long as the family is undivided, no individual coparcener can claim that he is entitled to a specific share of the joint estate, His share is liable for increase by deaths and decrease by births The properties are managed by the Karta who is usually the eldest among the coparceners The share of a coparcener is ascertained only by partition

4 185 Though the institution of joint family was common in most parts of India there were two major systems prevailing in the country—Mitakshara and Dayabhaga—which dealt differently with the property rights Added to these two systems was the matriarchal system which prevailed in some southern states Pre independence India, therefore, had a number of different systems of succession among Hindus and in most of them the position of the woman was one of dependence with barely any propenetary rights Even where they enjoyed some rights they had only a life interest and did not enjoy full ownership While earlier this may have been socially acceptable, with socio-economic changes brought about in the 20th century this inferior position was no longer tenable As discussed earlier, the rigidity that had crept into the law because of the British policy of non intervention had made it impossible to adopt the legal systems to changes The position, therefore, could only be remedied by legislation which would reflect the socio-economic changes since our independence and at the same time fulfil the promise of non-discrimination guaranteed in the Constitution

4 186 With the object of bringing in uniformity and in conformity with the norms of the post Constitution period, the Hindu Succession Act was passed in 1956 though after stiff resistance from the traditionalists

4 187 The Act brought in some radical and fundamental changes, the most important of which was to introduce equal rights of succession between male and female heirs, in the [illegible] o simplified the law by abo- [illegible]

also It recognised, however, that there had [illegible] found in matriarchy The hold of tradition, however, was so strong that even while introducing sweeping changes, [illegible] respects the inferior position of the women [illegible] niformity which had been one of the major [illegible] the Act discloses that there are still a numbe [illegible]

4 188 The most remarkable features of the Act, however, are the recognition of the right of women to inherit equally with men and the abolition of the life estate of female heirs The Class I heirs of a man today are widow, mother, son, daughter, widow of a predeceased son and sons and daughters of predeceased sons or daughters These heirs take the property in equal shares and as absolute owners

4 189 The one major factor which has contributed to continuing the inequality between sons and daughters is the retention of the Mitakshara coparcenary As mentioned member ship of it is confined only to male members No stranger can be introduced even by agreement of all the members and no female can be a member of a coparcenary There are no succession rights in a coparcenary but the interest of a coparcener on his death goes to

30 See PARUCK THE INDIAN SUCCESSION ACT 61 (5th ed Joshi 1966) Irani *The Personal Law of Parsis of India* in FAMILY LAW IN ASIA AND AFRICA 297 (J N D Anderson ex 1968)

the remaining members. A number of decisions, as also legislation in the 20th century, like the Hindu Women's Right to Property Act, have made inroads in the concept of the coparcenary and in some ways it had really lost some of its important features. It would therefore have been quite feasible at the time of the 1956 Act to abolish it altogether. One point of view is that the "best solution would have been abolish the ancient legal formula of acquisition of rights by birth and devolution by survivorship. Since the logical way was to assimilate the Mitakshara to the Dayabhaga, this could also have had the merit of equable treatment of the nearest female heirs of a coparcener and of bringing about uniformity in the law in all parts of India.[31]" But there was strong opposition to this point of view and the institution was retained but an effort was made to make some provi·ion for the nearest women members of a person i.e. Class I heirs.

4.190 The compromise arrived at was that if a male member of a coparcenary dies then for the purpose of ensuring that his heirs get a share of the property, his share of the coparcenary will be demarcated, as if there had been a partition and that share will be divided among his heirs. It means that, if there is a coparcenary of a father and two sons, the share a father would have got on partition would be one-third. This will be divided among his Class I heirs. The consequence of this is that the two sons in addition to their original interest as coparceners, will get equal shares of the father's property with the mother, grandmother and sister etc. This naturally result in an unequal treatment between brother and sister. In a similar situation under the Dayabhaga system, the daughter will get an equal share with the brothers as there is no right by birth for sons. The retention of the Mitakshara coparcenary, therefore, not only brings about inequality between the same class of heirs but also continues two different systems of inheritance.

4.191 The retention of coparcenary has also meant the continuation of two rights both of which affect the rights of female heirs detrimentally. The first is the right of a coparcener to renounce his right in the coparcenary. In order to do this, no specific formality is required beyond the expression of a clear intention. On such renunciation, the release is deemed to have separated him from the joint family though this will in no way affect the joint status of other members of the coparcenary. The result of this is that on his death he will have no interest in the joint family which could be distributed among the Class I heirs. This deprives the female heirs of any share. A similar result can be achieved by a father who partitions joint family property during his lifetime without reserving any share for himself.

4.192 The second of such characterstics is the right to convert self acquired property to coparcenary property. The transformation of self acquisition into joint family property is frequently resorted to reduce the burden of income tax.[32] But the effect of this is that the share of a female heir is reduced because in the self acquired property she would have had the right to inherit equally with the male members as Class I heirs.

4.193 Mitakshara coparcenary with its basic principle of right by birth of a male coparcener is the cause of unequal rights between the male and female heirs, though the Act accepted in principle the equality of the sexes. It should be noted that the Hindu Code Bill 1948 as amended by the Select Committee, had, in fact, suggested abolition of the right by birth.[33]

4.194 *We recommend the abolition of the right by birth and the conversion of a Mitakshara coparcenary into a Dayabhaga one.*

4.195 Another provision in the Act which contributes both to lack of uniformity as well as continuation of discriminatory treatment of female heirs is the provision excluding the devolution of tenancy rights under the legislation of the States, from the scope of the Act.[34]

---

31. Mulla—*Principles of Hindu Law* (1960) p. 916—During the debate in the Lok Sabha Mitakshara coparcenary was described as a 'tottering' structure on account of the 'shattering' blows delivered to it by enactments from time to time and no useful purpose will be served by retaining it. The opposition argued that though 'battered and bruised' it could still play a useful role.

32. Income Tax Commissioner vs. Keshavlal AIR 1965 S.C. 860.

33. No right by birth shall be recognised by any court". An amendment proposed by the Government spelt out the details more clearly as it suggested.
"No Hindu shall have any right to, or interest in-
(a) any property of an ancestor during his lifetime merely by reason of the fact that he is born in the family of the ancestor, or
(b) any joint family property which is founded on the rule of survivorship."

34. "For the removal of doubts it is hereby declared that nothing contained in this Act shall be deemed to affect the Provisions of any law for the time being in force providing for the prevention of fragmentation of agricultural holdings or for the fixation of ceilings or for the devolution of tenancy rights in respect of such holdings."Sec 4 (2).

The apparent object is to protect the rules in State Legislations from the over-riding effect of the Hindu Succession Act, which otherwise would have governed the succession to tenurial interests The reasons behind this exemption, as they appear from the legislative debates are two-fold [35] First, that tenancy laws being property laws, apply to all whether a Hindu or non-Hindu As the Hindu Succession Act is a personal law, it should not override the provisions of property law enacted in the interests of the agricultural economy Second, that the States are responsible for agricultural laws and the Central Government is anxious not to encroach on the rights of the State Governments

4 196 A serious objection is that the beneficial effects of the Hindu Succession Act can be denied by a resort to this provision The bulk of the property in India is agricultural property and such an exemption detracts from the principle of uniformity It may also be noted that the Act does not define the word "tenancy rights" nor is it defined in the General Clauses Act, 1897 Thus, on the question as to what constitutes tenancy rights, the last resort must be had to the specific legislation of the State itself, and it is quite conceivable that a state with dominant conservative groups could defeat the purpose of the Act by defining tenancy rights to include all interests arising in or out of agricultural lands

4 197 No particular economic justification has been made out by the States or States concerned for having separate rules for devolution of tenancies The fact that many States do not have special provisions for succession to tenurial interests and the fact that the exception protects legislations in some States in the North, gives rise to a suspicion that it was intended as a concession to the conservative elements in these regions The argument that the Act is a personal law and that it cannot override a property law ignores two aspects (1) in pith and substance a law providing for devolution of tenancies is a law relating to succession and (2) the fact that these special laws may contain features which are more discriminatory than the existing Hindu and Muslim laws

4 198 The legislation in Uttar Pradesh, a State which comprises one sixth of India's population, furnishes an example of this kind[36] :—

> When a bhumidar,[37] sirdar or asami being a male dies, his interest in his holding shall devolve in accordance with the order of succession given below

(a) The male descendant in the male line of descent in equal shares per stirpes . ...

(b) widow and widowed mother and widow of a predeceased male lineal descendant in the male line of descent, who have not remarried.

(c) father,

(d) unmarried daughter.

4 199 The above scheme of inheritance shows that in competition with a son the widow of a deceased is not entitled to succeed The claims of a widow and unmarried and married daughters are preceded not only by the lineal male descendants in the male line of descent, but even by their widows who have not remarried The exclusion of the widow and the daughters cannot be justified on any principle.

4 200 The seriousness of the problem is emphasised by the fact that the Act is likely to apply to all the agricultural land in course of time, in Uttar Pradesh The statement of Objects and Reasons of the [illegible] [illegible] that the [illegible] ect of [illegible]

[illegible] t as well as the Tenancy Act make a distinction between male [illegible] venue Act a female child is not entitled to any share in land [illegible] children of occupancy tenants will not inherit any tenancy

Census of India 1961 Vol, VI J & K Part 6 Village Survey Monographs Monographs 7 & 8, Pp 34 & 57

[illegible] of the States—The Madhya [illegible] Karnataka Land Reforms

35 [illegible]
36 [illegible]
37 [illegible]

4.201 *In order to achieve the social equality of women as also in the interests of uniformity,* we recommend the abolition of the exception provided in section 4 (2) of the Hindu Succession Act, relating to devolution of tenancies.

4.202 Suggestions have been made to the Committee that equality of sexes could be achieved under the Hindu Succession Act, if the law was amended to permit women to become members of the coparcenary and pending further legislation to permit them to act as a karta of the joint family. We do not feel that the situation will improve by making this recommendation as the present unequal treatment will continue as far as wives or widows of coparceners are concerned, who not having been born in the family cannot become members of it.

4.203 In all other respects uniformity has been achieved among Hindus as the Class I heirs mentioned are the same for all. Similarly among the heirs of a female owner (with the exception of those who would have been governed by the Marumakkattayam and Aliyasantana law) uniformity as well as equality of sexes have been recognised. Sons and daughters (including the children of any predeceased son or daughter) inherit, equally with the husband.[38] A special provision however governs the property of women. In the event of her dying without leaving any children, here property does not automatically go to her husband. If the property in question has come to her from her father or mother it will go to her father's heirs, and if the property has come to her from the husband or her father-in-law it will go to her husband's heirs. For persons who were earlier governed by the Marumakkattayam law, the property goes first to the children and to the mother, and the father and the husband inherit only if there is no heir in this category[39].

4.204 Another discriminatory provision in the Act is the one relating to the right of inheritance to a dwelling house. It provides that where a Hindu dies intestate and his property includes a dwelling house wholly occupied by the members of the family, then the female heirs are not entitled to claim partition of it unless the male members choose to divide their shares in the dwelling house. Female heirs are entitled to only the right of residence. Even in this there is a discrimination as this right is restricted to unmarried and widowed daughters or those deserted by or separated from their husbands. A married daughter enjoys no such right[40].

4.205 Obviously in enacting this provision, the legislature intended to balance the familial with individual interest. The main object of the section is unexceptionable as it asserts the primacy of the rights of the family as against the right of an individual and therefore, the restriction against partition which is against the family interest is justified, and should be retained. But nothing justifies the invidious distinction between married and other daughters. *We recommend the removal of this discrimination so that all daughters enjoy the same right.*

4.206 Like the Indian Succession Act, the Hindu law i. e. both Mitakshara and Dayabhaga place no restriction on the power of testation. During the dabates in Lok Sabha on the bill, the fear was voiced that this may lead to the rights of a female heir being defeated. But the Law Minister had brushed aside these fears by saying, "I believe that a normal father will never do any such thing and if at all he has to do it for any reason, he will surely make a provision for his daughter when he is going to deprive her of her share by will[41]." But this is an over simplification of the question and as was pointed out during the debate in the Constituent Assembly, "an analysis of the inmates of rescue homes in this country will prove how many of these women are those who have been turned out of the joint family[42]." The Committee's own experience in many places, but particularly in Banaras, more than proves the point that there are many women who have been reduced to destitution and beggary because their families have deprived them of all support.

4.207 *We recommend that the right of testation should be limited under the Hindu Succession Act, so as not to deprive legal heirs completely.*

Muslim Law

4.208 A vast majority of Muslims in India follow the Hanafi doctrines of Sunni Law and the courts presume that Muslims are governed by the Hanafi Law unless it is established to

38. Sec. 15
39. Sec. 17
40. Sec. 23
41. Law Minister Pataskar (1955) 5 Lok Sabha Debates, Col. 8379.
42. Shrimati Renuka Roy—Constituent Assembly of India Debates (Legislative) 928, dated 25th Feb. 1949.

i e contrary Though there are many features in common between the Shiah a
Sunni schools, there are differences in some respects The Sunni Law regards the K
verses on inheritance as as an addendum to the pre-Islamic customary law and pre
the superior position of male agnates

4 209 The heirs related to a deceased person by blood under the Sunni or the Koranic
are divided into three groups (1) *Zav il Furuz* (the sharers or the Koranic heirs), (2) the *A*
(agnates or "residuaries") and (3) the Zav-il-Arham (uterine relations) The heirs who
neither sharers nor residuaries fall into the third category The sharers take the es
first, the remaining estate (or the whole of the estate in the absence of heirs of the first ki
is taken by the residuaries If there are no sharers and residuaries the estate goes to
uterine relations

4 210 Where there are sons and daughters they inherit as residuaries Thus if the deceas
dies leaving a widow, son and daughter, the widow takes 1/8 as a sharer, the son takes 7/1
(2/3 of 7/8) and the daughter 7/24 (1/3 of 7/8) On the other hand, a daughter in th
absence of a son takes the estate as a sharer, half the share if there is only one daughter an
2/3 if there are two or more daughters Thus, if the deceased dies leaving father and daughter
the daughter is entitled to half the property as a sharer, the father to one-sixth as a sharer
and the remaining one third as a residuary

4 211 One primary principle of Muslim law which grossly discriminates against women is
that under the law of inheritance, if there are male heirs and female heirs of the same
degree like a son and daughter, full brother and a full sister, the share of a female member
is half that of the male

4 212 Under the Hanafi law the widow, though a sharer in every case, is not entitled to
take as a residuary The share of a widow (or widows if there are more than one) is one-
eighth If the deceased dies withot leaving a child, the widow's (or widows) share is one
fourth The wife is not entitled to the radd (return) [43] The social conditions of the present
day necessitate that the measure of protection and security that a wife is entitled to, should
be in no way inferior to that of any other member in the family, either during the lifetime
of the husband or after his death Therefore, a widow's position in the law of succession
deserves particular attention

4 213 Under the Shiah law also neither husband nor wife is entitled to the radd but if
either of them is the sole surviving heir then they inherit the whole property

4 214 If a Muslim dies leaving a daughter as his only close relative, she will not be allowed
to take more than one half of his estate, the other half will go to some distant agnatic rela-
tive Under the Shiah law the daughter would, in a similar situation, take one half as her
share and the remaining half under the doctrine of radd

4 215 Unlike Hindu and Christian Law, Muslim Law restricts a person's right of testation
A Muslim can bequeath only 1/3 of his estate The question is whether he has the power
to correct any hardship that might arise under the law of intestacy by the exercise of his
testamentary power (i e. of one third of his estate) It is beyond cavil that such hardship
arises generally in the case of female heirs But the Hanafi law appears to be particularly
rigid in not permitting any device whereby the inequities of the laws of inheritance may be
rectified

216 A bequest to a stranger is valid without the consent of heirs, (if it does not exceed
third of the estate) but a bequest to an heir without the consent of other heirs is
alid The consent of heirs to a bequest must be secured after the succession has opened,
d any consent given to a bequest during the lifetime of the testatory can be retracted after
death As the testamentary power exercised by a deceased in favour of an heir operates
he expense of other heirs, it is not an unnatural attitude to refuse consent to such
uests

7 The Shiah law allows a Muslim the freedom of bequest within the disposable third
ecent reforms in Egypt, Sudan and Iraq also permit this If the rule is relaxed here

dd is the portion which remains after the heirs have got their specific shares like 1/4 1/3 etc *The*
eral rule is that the radd returns to the Koranic heirs in proportion to their share—Fyzee *Outlines*
Muhammedan Law p 408 and p 452

it may be possible for a husband to make a bequest to his widow or widows which would help to make up for the inadequate share they get on intestacy.[44]

4.218 Muslim law makes no distinction between movable and immovable property and though the right of a female heir like a widow or daughter has always been recognised and they have inherited absolutely (unlike the old Hindu Law), *we recommend that legislation be passed to give an equal share to the widow and the daughter along with the son as has been done in Turkey.*[45]

4.219 The medley of laws which govern the right of inheritance of not only female heirs of different communities but even of female heirs in the same community require immediate measures. *Broad principles like equal rights of sons and daughters and widows, and a restriction on the power of testation so that dependent members are not left completely destitute are needed immediately.*

4.220 But legislation cannot be an end in itself. Publicity of new legislation and educating women about their rights need to go hand in hand. Otherwise, like many other social legislations, the rights remain only on paper. During its tours the Committee found a large number of women completely ignorant about their rights of inheritance. Even where they know, they have been so conditioned that many of them oppose sisters depriving their brothers of property. Our survey report confirms this finding, as 68.16% expressed their opinion against girls having some share with their brothers in parental property and 57.54% were against girls and boys having equal property rights. But in the absence of social security and inadequate opportunities for employment, a woman without financial security faces destitution in our country. It is true that in a country where a large section of the people are below the poverty line, measures for ownership of property will benefit only a limited section. However, for this section ownership of property will make women independent and they will undoubtedly gain in status. Besides, this will effectively check "the feeling that women are a burden to the family[46]."

General Recommendations

4.221 *Matrimonial Property*: The various personal laws in our country are uniform in recognising the obligations of a husband to maintain his dependent wife. The right of a wife to a moiety of the husband's property on his death is, however, not an absolute right like maintenance (except in Muslim Law), as the husband under the present system can, if he chooses, deprive his wife completely under his will. Our recommendation regarding restriction of the right of testation, if accepted, will change the moral duty into a legal one. But neither of these two rights recognise the wife's claim to be a part owner of the property acquired and enjoyed jointly by husband and wife during marriage.

4.222 In the socio-economic situation prevailing in our country, the contribution of the wife to the family's economy is not recognised. A large number of them participate in the family's effort to earn a livelihood as unpaid family workers. Even when they do not do so, the economic value of their effort in running the house and assuming all domestic responsibilties, thus freeing the husband for his avocation is not accepted in law, either directly or indirectly. Most married women do not have any independent source of income, many even give up employment after marriage or do not take up a job for many years, in order to be able to devote their full time to family obligations, particularly in bringing up the children. They are, therefore, economically dependent on their husbands. In majority of cases, property, both movable and immovable, acquired during the marriage, is paid for out of the husband's earnings. If a matrimonial home is acqured, it will be registered in the husband's name; if things are bought for the house the legal ownership will vest in the husband, as in economic terms the wife has not contributed anything. The principle of determining ownership on the basis of *financial* contribution is unjust and works inequitably against women.

4.223 While our personal laws recognise the right of a woman to own and dispose of her personal property without any control from the husband, our survey discloses that only 25.74% have a regular salary and 7.14% occasional wages, though 79.48% believe that a woman should work to supplement the family income[1]. In case of divorce or separation, this large

44. Anderson, J. N. D. - *Islamic Law in Modern India* (ed. Mahmood Tahir) p. 204.
45. Mahmood, Tahir—Muslim Family Law Reform 24.
46. Written statement submitted to the Hindu Law Committee 178 (1945).
1. Appendix 1.

they acquired jointly ... out any earnings or savings of their own, will be deprived of all p[roperty]
from the husband or his family, is denied to her in some communities[2]. All these
increase the dependence of the wife The fear of both financial and social inse[curity]
prevents her from resorting to separation or divorce even when the marriage is very unl[ikely]
Even property which she had got at the time of the m[arriage]

4 224 The demand for recognition of the wife's contribution in the way of house w[ork] growing in many countries England has passed the Matrimonial Proceedings Act in and the judicial decisions following, have emphasised the right of the wife to a share i[n] capital assets of the family Lord Denning said that the wife "who looks after the h[ome] and family contributes as much to the family assets as the wife who goes out to work" emphasised the importance of the home having been maintained by the joint efforts of b[oth] husband and wife and therefore "when the marriage breaks down it should be regarded the joint property of both of them, no matter in whose name it stands[3]"

4 225 It is necessary that legal recognition be given to the economic value of the cont[ribution] bution made by the wife through house work for purposes of determining ownership matrimonial property, instead of continuing the archaic test of actual financial contributio[n]

4 226 *We therefore recommend that on divorce or separation the wife should be entitled t[o] at least one third of the assets acquired at the time of and during the marriage*

Family Courts

4 227 The statutory law in all matrimonial matters follows the adversary principle for giving relief i e the petitioner seeking relief alleges certain facts and the respondent in his own interest refutes them In addition to this, as we have already noticed, most of the grounds in these statutes are based on the 'fault principle'[4] instead of the breakdown theory[4] The combined result of these two factors is that strong advocacy is often the determining factor in these cases This is particularly unfortunate in the field of custody and guardianship, where the welfare of the child is often relegated to the background and the decision arrived at is based on the well argued points of the lawyer In the present system, the judge has no option but to give his decision on the points raised and argued If he were to base his decision on social needs or in the interest of one of the parties, it may be considered as biased and hence reversed in the appellate court

4 228 There is also no distinction drawn between matrimonial causes and other civil suits [5] This frequently leads to unusual delay which stands in the way of conciliation and further embitters the relationship of the parties In a case filed for restitution of conjugal rights by the husband, the appellate Judge referred to the "unfortunate fact that it has taken more than eight years for the appeal to come to me, such long delay is extremely regrettable, because in such cases the time factor is of vital importance[6]"

4 229 Conciliation which needs to be the main consideration in all family matters, is not a guiding principle in the statutes dealing with them The legislators of the Hindu Marriage Act recognised the need but made only a half hearted attempt to break away from the traditional approach While they mentioned the need for conciliation, by emphasising that the duty of the judge is to make every endeavour to bring about a reconciliation between the parties[7]", they failed to provide the infra-structure necessary, like pre trial investigation, specialised opinion of psychiatrists or social workers, which would help the judge to perform his role The results, therefore, have not been satisfactory The Parsee Marriage and Divorce Act, 1936, by its provision of special courts, also attempted to adopt a different procedure but that experiment too has not been a success [8]

4 230 The solution lies in establishing Family Courts for settlement of all problems dealing with personal law, where the role of the lawyer in adversary procedure is substituted by

---

2 Supra 3 203

3 Wachtel v Wachtel (1973) 2 W L R 366 and also the Report of the Law Commission on Family [Prop]erty, (U K) (Law Commission No 52) (1973)

4 Exceptions are the Malabar Marriage Act and the Madras Aliyasantana Act, 1948 which permit [dissol]ution at the instance of one party Also the statutes dealing w th mutual consent vide p 411

5 Kusum Lata v Kamta Prasad 1965 All 280 where the view expressed was that there was no [differe]nce between a petition under the Hindu Marriage Act and an ordinary civil suit

6 Shanti Nigam v K C Nigam op cit supra 4 093 No 28 Also Avinash Prasad v Chandra Mohini, [A]ll 490 where too the delay was eight years

7 Sec 23 (2)

8 Secs 18 and 19 Parsee Marriage and Divorce Act 1936 "much dissatisfaction has been felt with the [c]ourts system There have been instances of perverse verdicts and judicial crit cism of the system [...] K The personal law of Parsis of India in *Family Law) in Asia and Africa* Anderson p 292

conciliation. The case of Japan which has successfully adopted this system[9] is specially relevant as it is an Asian country and the emancipation of Japanese women, after the Second World War, almost coincided with the constitutional recognition of equality in our country.

4.231 In Japan the proceedings in a family Court are informal. There are usually two conciliation commissioners of whom one is usually a woman, and the proceedings are not open to the public.[10] A person having an interest in the case should appear before the Family Court and only under very special circumstances will the appearance of a representative be permitted.[11]

4.232 The need for a Family Court in India has been expressed by many scholars. The Law Commission has also referred to it. The recent report of the Legal Aid Committee has strongly urged the need for such courts.[12] In this connection, two institutions should be mentioned where the informal conciliation or compromise [13] procedure has almost totally replaced the formal court procedure. In Rangpur (Gujarat) the 'Lok Adalat' deals inter alia with all family problems. Similarly, in Ahmedabad one section of the Jyoti Sangh work, dealing with all complaints pertaining to family problems, has acquired the status of a woman's court. They listen to both the parties and try to solve the problem by a compromise, failing which other alternative solutions are suggested.[14]

4.233 Indigenous system in India for settlement of disputes indicate that acceptance of this will be easier in our country. *We, therefore, strongly recommend that the established adversary system for settlement of family problems be abandoned and establishment of Family Courts be established' which will adopt conciliatory methods and informal procedure with the aim af achieving socially desirable results.*

4.234 **Uniform Civil Code :** Article 44 of the Constitution states that "The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India".

4.235 During the debate in the Constituent Assembly, several members had expressed the fear that implementation of this article might lead to the abrogation of their personal laws. Shri K.M. Munshi had explained, that there was nothing sacrosanct about the personal laws, as they covered secular activities like inheritance and succession. Dr. Ambedkar had also emphasised that India had already achieved uniformity of law over a vast area, and the only area of Civil Law which continued to have diverse laws were the areas governing matters like marriage and succession. The other point which had been argued was that such diversity violated the principle of Fundamental Rights that there should be no discrimination between citizens.

4.236 These arguments remain as valid today as when they were placed before the Constituent Assembly. The absence of a uniform Civil Code in the last quarter of the 20th century, 27 years after independence, is an incongruity that cannot be justified with all the emphasis that is placed on secularism, science and modernisation. The continuance of various personal laws which accept discrimination between men and women violate the fundamental rights, and the Preamble to the Constitution which promises to secure to all citizens 'equality of status', and is against the spirit of national integration and secularism.

4.237 Our recommendations regarding amendments of existing laws are only indicators of the direction in which uniformity has to be achieved. *We, therefore recommend expeditious implementatian of this constitutional directive by the adoption of a Uniform Civil Code.*

4.238 **Criminal Law :** The Penal laws of a country reflect more clearly the conditions of its society and its values than most other branches of law. It is, therefore, inevitable that the Indian Penal Code, enacted over a century ago[1] would reflect values and protect interests which are out of tune with the norms prevailing today.

---

9. Guide to the Family Courts of Japan (1972) and Twenty Two Years of Family Courts of Japan (1972).

10. Their selection is made from the Members of public on the basis of their social conscience and moral spirit—Hendasa, D.F.—*Conciliation and Japanese Law Tokugawa* & Modern (1965) and Rules for Determination of Family Affairs article 6.

11. Ibid. article 5. Lok Adalat, Rangpur—Law Commission, the Report-Vol. I—page 270.

12. "Family Courts and children's courts, separate from civil courts, should be set up, particularly in slum areas and in certain rural areas".—Chapter 10(1) (c) p.207.

13. Baxi, Upendra, from Takrar (Quarrel) to Karar (Compromise, lit agreement).

14. Supra n 9 p.205.

1. 1860.

4.239 Certain penal provisions in the law are definitely influenced by the established patriarchal system, the dominant position of the husband and the social and economic backwardness of women By amendments to the original Code, attempts have been made to reflect the socio economic changes in the country, particularly in the last twenty five years, but a major revision was needed The Law Commission undertook this task and submitted the draft of a new Penal Code [2]

ection to men and women in respect of and reputation But along with this provisions to protect women inter alia neasures require more stringent punishment to meet the present needs of our society, than the law provides today.

4 241 Rude or insulting behaviour by itself does not come within the purview of criminal law, unless such behaviour is likely to lead to a breach of peace But an example of special provision is that it is an offence whenever anyone by words, sounds or gestures "intends to insult the modesty of any woman[3]". When enacted, it was not necessary to classify this offence as a serious one, and therefore, the punishment provided was fine and/or imprisonment for a period which could extend to one year Today eve teasing in most cities has become a social evil But the offence in the last century was categorised as a non-cognizable one and the police could not arrest without a warrant nor carry out any investigation without the specific order of a competent magistrate This was one of the reasons why no effective steps could be taken to combat this menace effectively The Law Commission took into account this drawback and recommended that it should be made a cognizable offence "so that in the changed social circumstances of the day, when women are coming out in larger numbers and taking greater part in various professional and business activities, they may have a sense of security "[4] We welcome this change in the Criminal Procedure Code, particularly because, as we have discussed later, the lack of security of women acts as an obstacle to their taking up jobs away from home [5]

In all legal system, sexual intercourse with a woman without her consent or against her will is regarded as a serious offence Our law also does so by providing a punishment of imprisonment for life or imprisonment upto ten years, and fine for this offence of rape [6] Consent, which would negative the offence, is however very strictly interpreted and, therefore, consent, if given by the woman under duress or fraud, will be clearly disregarded by law But under the present law, no provision is made for consent obtained by putting someone else in fear in the presence of the woman The Law Commission has recommended adding this and the Indian Penal Code (Amendment) Bill, 1972 has included "anyone else present" [7]

4 242 We welcome this change as a woman would, in order to save her child from a threat of injury, give her consent to sexual intercourse This cannot be her consent for consent "requires voluntary participation, not only after the exercise of intelligence, based on the

---

2. 42nd Report on Indian Penal Code (1971)

3 Sec 509 ' Whoever, intending to insult the modesty of any woman utters any word, makes any

... , has

First —Against her will
Secondly —Without her consent
Thirdly —With her consent, when her consent has been obtained by putting her in fear of death, or of hurt
Fourthly —With her consent, when the man knows that he is not her husband, and that her consent ... she is or believes
Fifthly ...
Explanation ... ry to the offence of rape
Exception ... wife the wife not being under fifteen years
... 1972 ...

knowledge or significance and moral quality of the act, but after having exercised a choice between resistance and consent."[8]

4.243 Originally, the age of consent for sexual intercourse was 10 in the case of a girl, but successive amendments raised this to 16[9]. The policy behind these changes was to protect girls of immature age from sexual intercourse.

4.244 The Medical Termination of Pregnancy Act 1971, however, hold that the termination of a pregnancy can be performed on a girl below 18 without her consent as long as the guardian's consent to the operation is obtained. In our view, consent to have sexual intercourse requires more maturity than to have an abortion, particularly when the girl is unmarried. The same age limit should be applied in both cases. In confirmity with our recommendation[10] made later, *we recommend that the age of consent below which a girl's consent to sexual intercourse is not legal should be 18, permitting some degree of flexibility to the court in borderline cases to decide whether the girl is mature enough.*

4.245 The offence of bigamy may be punished with imprisonment upto seven years and a fine. This indicates the seriousness of the offence. But as already discussed, limiting the right of initiating prosecution to only the aggrieved person, in our social context, defeats the purpose of the law. To remedy this we have recommended permitting any person to initiating prosecution for bigamy with the permission of the court[11]. Apart from this, the present law restricts the jurisdiction of the court to the place where the bigamous marriage was performed or where the husband and wife last resided.[12] This is likely to cause difficulties to the wife. On being abandoned, a wife will usually either go back to her natal home or if feasible take up a job, which may be away from where she resided with her husband. The present position, therefore, restricts her right to prosecute in many cases. *We recommend that in addition to these two jurisdictions, provision be made for enquiry and trial for bigamy in a court within whose jurisdiction the wife is residing.*

4.246 Retention of adultery as an offence is prepetuating the principle enunciated over a hundred Years ago that the "dearest interests of the human race are closely connected with the chastity of women and the sacredness of the nuptial contract......[13]" The law today permits the husband to prosecute the 'adulterer' of his wife though it exempts the wife from punishment as an abettor. By doing this it brings out clearly the values of the last century which respected the dominent position of the husband and regarded the wife as his property. The Law Commission in its recommendation has only sought to remove the difference between the husband and wife by withdrawing the 'privilege' a woman enjoyed earlier of not being punished under this provision. Adultery in our opinion is a matrimonial and not a criminal offence. The aggrived person is free to seek a remedy in divorce. Treating adultery as a criminal act, apart from reflecting outmoded values, sometimes deters person of the opposite sex from giving help to a woman appressed by her husband. This was brought to our notice by several lawyers particularly in Andhra Pradesh. They mentioned many cases where lawyers, or houseowners were reluctant to assist a woman seeking divorce or separation from her husband because the latter had threatened to bring a charge of adultery against any man who gave her help.

4.247 *We recommend that continuing to regard adultery as a criminal offence, is against the dignity of an individual and should be removed from the Penal Code.*

Nationality

4.248 With the growing importance of human rights in the international sphere, the concept of nationality has come to acquire great importance. In Article 15 of the Universal declaration of Human Rights 1948, the General Assembly of the United Nations declared that 'every one has the right to nationality and that no one shall be arbitrarily deprived of that nationality.'

8. Rao Harnarain Singh vs. State 1958 Punj 123.
9. Raised to 12 Years in 1891: 14 Years in 1925 and finally 16 Years in 1949.
10. Infra Chapter VIII Section Family Planning Supra para 4.032
11. Supra Para 4.032
12. Sec. 181 Criminal Procedure Code.
13. Notes appended to the Draft Penal Code, 1836 Note Q 92-93.

[The t]erm nationality and citizenship have been used synonymously[1] The te[rm citi]zenship refers to the relationship of an individual with the State from the internal aspe[ct] while the term 'nationality' refers to similar relationship from the international aspe[ct] Nationality is the status or quality of belonging to some particular nation or State Therefor[e] the nationals of a State comprise all people who are politically members of the State but a[ll] of them may not possess full civic rights and privileges which are confered on 'citizens' Nationality gives the State a limited right to protect its nationals while they are outside th[e] country The State is also entitled to allegiance from its nationals even when they are abroa[d] as also obedience to certain laws[3]

4 250 In India the matters of citizenship are governed by the Citizenship Act 1955 and the [Citizenship] Rules 1956 as also certain provisions of the Constitution[4]

4 251 The Citizenship Act 1955 deals with the acquisition and termination of citizenship Under Sec 5(1)(c) a woman married to a citizen of India does not automatically become a citizen, but may make an application and be registered as a citizen An application by a woman for registration as a citizen under the provisions réquires documentary evidence that she has either renounced her previous nationality or has lost it by operation of law If she has neither lost nor renounced it, her application must be accompanied by an undertaking that she will do so on getting her Indian citizenship This requirement is essential as our law does not recognise dual citizenship But the question of whether an alien woman married to an Indian citizen will get Indian citizenship or not is left to the discretion of the Central Government and can not be challenged in a court of law This provision of the Act is in accordance with the United Nations Convention of 1957 on the Nationality of Married Women Under the Convention all contracting parties agree that the alien wife of a national may acquire the nationality of her husband through specially privileged naturalisation procedures but it must be at her request The grant of nationality, however, may be subject to limitations imposed in the interest of national security or public policy[5] According to the information supplied by the Home Ministry, there were no statistics of the number of applications made by alien women married to Indian citizens or the number rejected, but 2151 alien women married to Indian citizens had been granted Indian citizenship under the Act'

4 252 The lacuna in the Act is the absence of any provision dealing with the case of Indian women marrying foreigners Her rights are governed by the general provisions which deal with renouncing Indian citizenship Till she renounces it she continues to retain her Indian citizenship, even if her husband has renounced his But it is in the interpretation of what constitutes renunciation that the hardship may occur The provision which applies to all persons is that voluntary acquisition of citizenship of another country will amount to renun[c]iation of Indian citizenship, as we do not accept dual nationality[6] On the face of it, the provision is unexceptionable but in practice this results in great hardship If the law of the [h]usband's country requires her to acquire her husband s citizenship by registration or any [o]ther way, her registration will be treated as a voluntary act as it is not by operation of law [T]his is unfortunate as often an Indian woman marrying a foreigner requires special protection [So]me countries specifically provide that a woman "shall in no case lose her nationality as a [res]ult of her marriage to an alien[7]" If for some reason according to the law of her husband's [cou]ntry, a wife is deprived of her nationality, she becomes stateless as she had already lost Indian citizenship the moment she registered for her husband s nationality There is [con]sequently no protection given to an woman marrying an alien to prevent this situation of [stat]elessness

[4 25]3 According to the Home Ministry, "No Indian woman has yet lost her Indian citizen[ship] by the sole reason of her having married a foreign national", though they agree that if she [acq]uires her husband s nationality by some other act e g registration, her Indian citizen[ship] will terminate " The Ministry is however silent on the point as to how many of them lost their Indian nationality by this process

---

[1] Nationality of an individual is his quality of being a subject of a certain State and therefore its [citizen] Oppenheim—*International Law* (8 ed) Vol 1 642

[2] Basu D—*Constitution of India* (3rd ed) p 60

[3] e g Indian Penal Code sec 4 The Provisions of the Code will apply to an Indian citizen irres[pective of th]e place he commits the offence

[4] Art 5

[5] Art 3 U N Treaties Series Vol39 p 87

[6] sec 8(1) and Sec 9(1)

[7] Sec 3 Cambodian Civil Code—U S Immigration and Nationality Act 1952 also gives the sa[me]

4.254 The right to determine whether the Indian woman's act acquiring her husband's citizenship is voluntary or not vests with the Central Government, which will apply rules of evidence specified in the Rules[8] of the Act. One such piece of evidence is the obtaining of a passport from the Government of another country. Merely getting a passport from a foreign country should not be termed a 'voluntary' acquisition. Even the Supreme Court[9] has expressed this opinion. Many jurists have also challenged the 'Rule' which lays down that getting a passport is a voluntary acquisition. In cases of emergency where time is important, many women would opt for getting a passport which is quicker but this can scarcely be termed a 'voluntary' act. From the practical point of view, an Indian woman married to a foreigner and living outside the country, may have to return for purely personal reasons like illness of a family member, and in such a case one would not hesitate to travel on any passport—the end being important and not the means of getting there.

4.255 Hardship to an Indian woman by arbitrarily applying the rules is best illustrated by the citizenship laws of Afghanisthan. According to Afghan law, a woman acquires her husband's nationality by marriage. As long as this is the law, our law will accept the position that an Indian woman has both Indian nationality and Afghan nationality as she has not voluntarily acquired Afghan nationality. But the moment she returns to India on an Afghan passport, she loses her Indian nationality, because she will be deemed to have voluntarily acquired the citizenship of Afghanisthan. Under no circumstances should she become stateless. *We therefore recommend that the Citizenship Act be amended to provide a special rule for Indian women marrying aliens, stating that she will in no case lose her Indian nationality as a result of her marriage to a foreigner.* (a) *Further, that her acquiring the passport of her husband's country should not be regarded as evidence that she has voluntarily acquired another nationality;* (b) *In the eventuality of her having been declared stateless, she should revert back to Indian citizenship automatically.*

4.256 Another rule which operates against the interests of Indian women marrying foreigners, is that their children cannot be regarded as Indian citizens, because the Act clearly states that a child will be considered an Indian citizen only if his father is one at the time of his birth. Explaining this rule then Home Minister had said[11] that this provision was to prevent dual or multiple nationality and not to discriminate against women, and in any case, the cases of Indian women marrying foreigners was very rare. This does not really explain the basis of the rule. Where the father and mother are separated and the mother is either *de jure* or *de facto* guardian, there is no justification to have the rule that the child's nationality will be transmitted through the father. As a mother may be a legal guardian in preference to the father, if it is in the interest of the child, there can be no justification for this rule. *We therefore recommend the amendment of sec. 4(1) of the Citizenship Act to read as follows:* "A person born outside India on or after the 26th January 1950, shall be a citizen of India by descent if his father or mother is a citizen of India at the time of his birth."

---

8. Sub-sec. 2 of sec. 9 Citizenship Act to be read with Rule 30 & Rule III of Schedule III—Citizenship Rules.
9. Mohamed v Commissioner of Police 1965—S.C. 623
10. Seervai—Constitutional Law of India—pp: 137, 146
11. Lok Sabha Debates 1955 Vol. 9—p. 1319

GROUNDS OF DIVORCE UNDER PERSONAL LAWS IN "INDIA"

(1) *Hindu Marriage Act 1955* By Husband or Wife S. 13	(2) *Special Marriage Act, 1954* *Section 27* *By Husband or Wife*	(3) *Indian Divorce Act, 1869* *By the husband (S 10)*	(4) *Muslim Law* By the husband Talak *By the wife* Dissolution of Muslim Marriage Act 1939 *Section 2*	(5) *Parsi Marriage Divorce Act 1936 S*
1 Living in Adultery	1 Has commited adultery	S 10 That the wife has, since the solemnization, there of been guilty of Adultery	1 Whereabouts of the husband have not been known for a period of 4 years	1 Non consumation marriage within year after solemnization owing the wilful refusal the defendant
2 Ceased to be a Hindu by conversion to another religion	2 Desertion without cause for 3 years		2 Failure to provide maintenance for 2 years	2 That the defendant has been of unsound mind at the time of marriage and has been habitually so up to the date of the suit
3 Incurably of unsound mind for a continuous period of 3 yrs	3 Imprisonment for 7 years or more for an offence as defined in the I P G provided that the respondent has prior to the presentation of the petition undergone at least 3 years imprisonment	*By the Wife (S 10)* That her husband has exchanged his profession of Christianity for the profession of some other religion and gone through a form of marriage with another woman	3 Sentenced to imprisonment for 7 years or upwards	3 That the defendant was at the time of marriage pregnant by some other person
4 Virulent and incurable leprosy for not less than 3 yrs	4 Treated the petitioner with cruelty	*or* Has been guilty of incestuous adultery, or bigamy with adultery, or of marriage with another woman with adultery, or, of Rape, Sodomy or bestiality, or of adultery compelled with such cruelty as without adultery would have entitled her to a divorce a Mensa et thoro, or adultery coupled with desertion without reasonable cause for 2 years or upwards	4 Husband has failed to perform without cause his marital obligations for a period of 3 years	4 That the defendant has committee adultery or fornication or bigamy or rape oran unnatural offence
5 Venereal disease in a communicable form for 3 years	5 Incurably of unsound mind for a continuous period of 3 years		5 Husband was impotent at the time of the marriage and continues to be so	5 That the defendant has since the marriage voluntarily caused grievous hurt to the plaintiff or has infected the plaintiff with V D or where the defendant is the husband has compelled with wife to submit herself to prostitution.
6 Has renounced the world by entering any religious order	6 Venereal disease for 3 years in a communicable form, the disease not having been contracted from the petitioner		6 Insanity of husband for 2 years or is suffering from leprosy or a virulent disease	6 Seven years imprisonment or an offence defined in I P C—provided that the defendant has undergone at least one year's imprisonment
Not been heard of as alive for 7 years	7 Suffering from Leprosy for 3 years the disease not having eontacted by the petitioner		7 That the wife having been given in marriage by her father or guardian before 15 years repudiated the marriage before attaining 18 years provided the marriage was not consummated	7 Desertion for 3 years
n resumption of habitation for 2 s after the passing of the decree udicial separa-	8. Not been heard of as alive for 7 years		8 That husband treats her with cruelty	8 That the decree or order for separation has been passed against the defendant by a Magistrate awarding separate maintenance to the plaintiff and the parties have not had martial intercourse for 3 years or more since such decree or order.

CHAPTER V

ROLES, RIGHTS AND OPPORTUNITIES FOR ECONOMIC PARTICIPATION

5.1 The status of any given section of population in a society is intimately connected with its economic position, which (itself) depends on rights, roles and opportunities for participation in economic activities. The economic status of women is now accepted as an indicator of a society's stage of development. This does not, however, mean that all development results in improving women's economic status. Patterns of women's activity are greatly affected by social attitudes and institutions, which stem from the social ideology concerning basic components of status in any given period. These may differ according to the stage of economic development.[1] For example, at certain stages of development, capacity for work may provide the highest claim to status. At other stages, when society becomes inegalitarian, leisure may substitute work as a basic indicator of status.

5.2 The debate regarding women's economic role and the need for equality of rights and opportunities for economic participation has centred round three basic arguments:

(*a*) *Human rights and social justice:* Women's economic subjugation, or dependent position is the result of a rigid distinction in men's and women's roles in society and leads to exploitation.

> "The emancipation of women and their equality with men are imposssible and must remain so as long as women are excluded from socially productive work and restricted to house work, which is private".[2]

> "Today the sole occupation of a woman amongst us is supposed to be to bear children, to look after her husband and otherwise to drudge for the household...........not only is the woman condemned to domestic slavery, but when she goes out as a labourer to earn wages, though she works harder than man she is paid less[3]

(b) *Utilisation of human resources:* It is in the interest of a society to make full and most effective use of its human resources. The full benefit of development can only be realised with people's participation and the economic role of women cannot be isolated from the total frame-work of development.

> "Discrimination against women is incompatible with human dignity and the welfare of the family and of society, prevents their participation on equal terms with men in the political, social, economic and cultural life of their countries and is an obstacle to the full development of the potentialities of women in the service of their countries and humanity."[4]

> "To maintain the proper quantitative balance between various economic activities was one of the principal functions of the economic system, which, it was felt, should operate to give equal freedom of choice to men and women. The orientation of a society as a whole regarding the desirability that women should play an equal part in the country's development was taken as very important precondition for the advancement not only of the women but of the country as well."[5]

(c) *Implications of social change*: Socio-economic and political change creates a need to extend the spheres of knowledge and activity of all members of a society. Modern trends in demographic and social changes call for a redefinition of women's roles in family and society.

---

1. "The present division of labour between the sexes in member countries of the U.N. is also the result of special factors, such as basic difference in local culture, customs and type of Economy"—Report of the Inter-regional Meeting of Experts on the Integration of Women in development...UN Doc.St/SOA
2. Marx, Karl and Engels, Freidrich—Selected works Vol. II, p. 310
3. Gandhi, M.K.—Young India—26.2.1918. quoted in Kasturba Memorial-p. 181
4. Declaration on the Elimination of Discriminatian Against Women—United Nations-1967
5. Supra n. 1-p. 5

Changes in the age of marriage, size of families, urbanisation, migrati standards of living and the call for greater participation in the decision ma the family and the wider society, all lead to subtle but major changes in bilities These have to be recognised and provided for in order to avoid soc of adequate opportunities and the inability of women to meet these ch social handicaps present obstacles to a balanced and smooth adjustment social change

5 3 The opposition to increasing opportunities for women's participati activities springs firstly from a conservative view regarding women's 'proper where 'proper' imposes clearly, and often rigidly defined limits to the activiti may or may not perform For example, the elite classes in most societies limi ties of women to the home only In the same societies, women of the labourin participate extensively in economic activities outside the home, but their spher clearly defined by a customarily accepted division of labour between the sexes of this division have however varied, not only from society to society but amo sections of people within the same society.[6]

5 4 Secondly, this opposition comes from situations of chronic unemployment hensions of unemployment, where the prospects of a large scale entry of women in market is regarded as a potential cause of economic disorganisation A typical mar of this attitude is the theory of women's *marginal* role in the economy

"This concept of women as a sort of balancing force in the family o national economy has a whole series of practical implications which have the net effect of making it difficult for women to become integrated as a permanent part of the work force and of rendering them particularly susce ptible to unscrupulous or discriminatory treatment in the employment market "[7]

"In countries which are marked by labour surpluses, the need for providing employment for women when many men are available for work raises questions which cannot admit of categorical answers It is in these deve- loping countries that incomes by and large are low and the family requires the assistance of an additional earner Where social conventions do not weigh oppressively against bringing women into paid employment, the family income can best be supplemented by a draft on the female population in the working age group[8]"

5 5 In agrarian societies the family is the unit of production The place of work being close to the home, men, women and children all participate in the production process As a society moves from the traditional agricultural and household industry to organised industry and services, from rural to urban areas, the traditional division of labour ceases to operate and the complementary relationship of the family is substituted by the competitive one between individual units of labour The scarcer the jobs, the sharper is the competition Technological changes in the process of production call for acquisition of new skills and specializations which are very different from the traditional division of labour Women, handi capped by lack of opportunities for acquisition of these new skills, find their traditional productive skills unwanted by the new economy

I WOMEN IN THE INDIAN ECONOMY

5 6 A review of the economic roles played by women in India reveals certain clearly dis tinct trends The traditional village community in India consisted of the cultivators, the artisans and those performing menial services In each of these, the women played a distinc tive and accepted role in the process of earning a livelihood for the family, putting in some- times more, sometimes less and often an equal amount of labour in both production and marketing of products of agriculture and handicrafts Markets were mostly local or within acces- sible distance By and large this pattern is still found prevalent in the traditional forms of the

6 Mead, Margaret, *Male & Female* 1950, p 190 & Boserup Ester, *Women s Role in Economic Develop ment* 1970 p 16

7 *Women Workers in a Changing World* International Labour Conference, 48th Session, I L O 1963

8 Report of the National Commission on Labour Government of India 1969 p 379

economy. The marketing of vegetables, processed and semi-processed foodstuffs of the traditional type (dried and pickled fish and vegetables, preparations of rice and pulses etc.) and handicrafts mainly produced by women (baskets, hand woven fabrics, etc.) are still marketed by women in most parts of India. Amongst most tribal and scheduled caste communities, the production of handicrafts as well as their marketing is mainly carried on by women. In Nagaland, Manipur and among the Galong in Arunachal Pradesh weaving is exclusively practised by women. It may be noted that hand-woven fabrics constitute an important export of these States and is the most important export item of Manipur. Though weaving is a traditional industry in other parts of India also, the general pattern is for women not to weave, but to take part in other operations.

5.7 Among the agricultural classes in most parts of the country and particularly among marginal and landless agriculturists, earning a livelihood is still a family endeavour with or without division of labour between men, women and children. The patterns of women's participation vary according to regional and cultural norms. Throughout the Himalayan region, the major role in agricultural production is played by women. In areas where the 'jhum' (shifting) system of cultivation still prevails, the men's contribution to the production process ends with the chopping down of trees and burning the soil. The entire process of dribbling (planting) and gathering of crops is done mainly by women. With terraced cultivation the men's activities increase as they usually undertake ploughing, but women engage in all other agricultural activities. Among the Khasis of Meghalaya, women dominate the economic process and even educated women holding high positions in offices do not hesitate to do manual work in agriculture.

5.8 There is a general taboo on women engaging in ploughing but the degree of taboo differs from region to region. In Himachal Pradesh women informed us that sometimes they have to undertake ploughing in the absence of male members in the family and inability to hire male labourers. But this could result in some loss of social prestige. In most parts of the country the jobs traditionally done by women are generally transplanting, sowing, weeding, harvesting, winnowing and threshing.

5.9 The cultural norms that influence women's engaging in manual labour outside the home vary according to their position in the social hierarchy. Historians and sociologists agree that withdrawal of women from active participation in manual labour outside the home is a consequence of social stratification[1]. Gradually this process of excluding women from labour outside the home has itself become a symbol of higher social status[2].

5.10 The general decline of handicrafts from the 18th century led to increasing pressure of population on agriculture and increase of poverty in the rural sector resulting in migrations. The Royal Commission on Labour in India attributed the migrations from village to city to three causes: economic pressure, the decay of village crafts and the social disabilities of the outcastes. The first cause, that of economic pressure was the most important. According to the Royal Commission on Agriculture, "the numbers who have no other employment than agriculture are greatly in excess of what is really required for thorough cultivation of the land."

> "The driving force in migration comes almost entirely from one end of the channel, i.e., the village end. The industrial recruit is not permitted by the lure of city life or by any great ambition. The city as such has no attractions for him, and when he leaves the village he has no ambition beyond that of securing the necessities of life. Few industrial workers would remain in industry if they could secure sufficient food and clothing in the village; they are pushed, not pulled to the city[3]."

When there was prospect of employment of the women also as in plantations, mines, jute and the textile industry, the migration was of families. Similarly the women migrated with their husbands who went as indentured labourers to other colonies in the British Empire. When only men migrated the women left behind continued to depend on agricultural work as cultivators or wage labourers.

5.11 In the initial phase of industrial development, most industries continued the traditional pattern of family participation and employed a considerable number of women and children.

1. Altekar, A.S.-Ideals and Realities of Women's position in Social Life; in *Great Women of India*, 1963.
2. Gadgil, D.R. *Women in the Working force in India* 1965 p.7 and Epstein, Scarlett, *South India, Yesterday, Today and Tomorrow*-Ch. 7.
3. The Report of the Royal Commission on Labour, 1931.

While they confined them to certain unskilled and semi skilled types of work wages, in terms of proportion of total labour employed women constitute segment of the labour force in these industries

5.12 Technological changes have affected the employment of women in t adversely In the absence of training opportunities, the women already h illiteracy and lack of mobility cannot acquire the new skills demanded by mod This creates a gap in the earning power of men and women and is res the widespread belief that female labour associated with backward econon productive[5]

5.13 Development has, however, opened some new avenues to women Modernisa change and education have enabled some women to enter new profession, or oc which were totally closed to them earlier For example the presence of women in t services, and other jobs in the tertiary sector is now an accepted fact For certai jobs, women are even preferred

5.14 Social attitudes to women's work reflect to a great extent the current needs bein by society In some sections, economic pressure has precipitated withdrawal of the trad prejudice against women working outside the home Since this is also the class which ha rally been more exposed to education and other instruments of modernisation they have fitted more from change and development unlike the women whose world has rem confined to the limits set by tradition

5.15 These factors pose difficulties in using any uniform indicators to assess the econo status of women Apart from the limitations of quantitative data a macro analysis of wome economic participation purely in quantitative terms would not be valid for all sections women The heterogenous character of the Indian economy and the uneven rates of dev lopment have had varying degrees of impact on different segments of the labour force would "not justify aggregation into a single dimensional magnitude The different segment need to be estimated separately, taking into account such important characteristics as region (State) sex, age, rural urban residence, status or class of workers and educational attain ments[6] The relative importance of these components differ considerably between rural and urban areas

5.16 In the Committee's opinion any appraisal of women's economic roles to be meaningful must take into account the socio economic status of different categories of workers The largest of these categories consists of the women below subsistence level We have attempted to identify some components of this vast group who are generally found in unskilled work, in both the organised and unorganised sectors In rural areas they are the landless agricultural labourers, members of households with uneconomic holdings those engaged in traditional menial services performed by particular castes A large majority of workers in traditional village and cottage industries also come within this category

5.17 In urban areas they consist largely of migrants from villages, and members of families whose position has deteriorated due to the break down of joint families Some of these families in previous generations, used to work in urban areas but left their families in the village to share in agricultural incomes of joint families A rapid rise in the population of rural areas coupled with a steeply rising cost of living has made this difficult now, and urban workers are being compelled to bring their families to the cities along with them The women of this class work mainly as part time domestic servants, or in various unorganised industries Majority of them are handicapped by lack of education or any other skills that could fit them for work in urban areas

5.18 The second category is a most heterogenous class It consists of both white collared nd manual workers whose existence ranges from subsistance to security Most of them are o be found in industries services and professions Some are self employed They are mostly ound in urban areas In the rural areas, they consist of land owning cultivators and the andful of women engaged in health, education and welfare services The level of aspiration d employment opportunities of women in this group differ with their social background and ucational attainment All of them need employment either to keep their families from

4 Supra n 8
5 Report of the Committee on Unemployment 1973 Volume 1 (Part A) Para 4 3
6 Report of the Committee of Experts on Unemployment Estimates (1970) Pa

starvation or to ensure a somewhat better standard of living. Some are able to achieve security by improving their earning power, others remain handicapped by lack of education and other skills.

5.19 The third category is not burdened by insecurity. It consists of the minority of women who seek employment mainly to improve their standard of living. Some do so to achieve personal independence and satisfaction. They are generally highly educated, enjoy high status both in their families and work life, and are mostly found in the higher rungs of services and professions. In recent years, a few have entered the field of commerce and business management.

5.20 *Limitations of data* : The three major sources of data on employment and unemployment are the Census, various rounds of the National Sample Survey and the Employment Market Information Programme of the Directorate General of Employment and Training. The comparability of census data is limited because of conceptual differences in the definition of workers, and lack of uniformity in cross-classification of workers by sex, 5-year age-groups, educational level, marital status and industry. The National Sample Surveys apart from the smaller size of the sample and shorter reference periods, do not take into consideration the sharp seasonal variations in the labour force participation rates, which are even more pronounced in the case of women, specially in the agricultural sector. Starting from the 11th Round (1956) the N.S.S. started collecting data on persons 'not seeking but available for work', which is of particular significance for rural women because of the predominance of self-employment, unpaid-family work and limited opportunities for paid employment in rural areas. Data on women workers from these two sources also from reporting bias, particularly for the large unorganised sector of the economy where the majority of women are employed and does not permit an evaluation of the total women labour potential and its relevant characteristics. A sizeable proportion of the labour input in household enterprises is provided by family workers who have only partial attachment to the labour market. While their inclusion in the labour force would be misleading, their total exclusion would also fail to reflect the reality of the economic situation. As an example, we may mention the case of women from hawkers' families, who help the family enterprises by actually producing the material for sale. As this work is done within the home it is not recorded as economic activity. Expert committees[7] on unemployment have been repeatedly emphasising the need to use identical concepts for collecting information on different sections of women workers to understand the complex problems of employment, unemployment and under-employment.

5.21 The Employment Market Information programme of Directorate General of Employment and Training covers all public sector establishments and private sector establishments which employ 10 or more workers, excluding all self-employed persons and unpaid family workers engaged in small non-agricultural establishments, agriculture, small plantations and private construction activities. These estimates are useful only for assessing the employment situation in the urban organised sector. The National Employment Service has not yet penetrated the rural areas. Even in the urban areas its coverage of women is minimal. The National Sample Survey and the National Employment Service data are not comparable because they adopt different norms for classifying educational level of workers.

Trends in Economic Participation

5.22 The long term trend in economic participation of women indicates an overall decline both in percentage of workers to total female population and in their percentage to the total labour force after 1921 (Table I). When we look to their distribution in different sectors of the economy, however, there are significant variations. Explanations of these trends have to be found in the totality of interconnected factors both (a) during the pre-1947 and post-1947 period separately, and (b) the nature of development of our economy from the first to the second period. We can only briefly describe the major factors.

5.23 Agriculture continued to receive the burden of the surplus labour force all through the period of 71 years. Variations in participation rates in agriculture during different decades mainly show a slight decline before 1947 and a steady rise after 1947. This is generally explained by the pattern of industrialisation of our country[8].

7. Supra n. 5 & 6.
8. Vide Sections on Non-Agricultural Occupations and Organized Industry.

TABLE 1*

Trend in Distribution of Women Workers 1911—1971 (In thousand)

Year	Agriculture	Industry	Service	Total	Female workers as % to total female population	Female workers as % to total labour force
1	2	3	4	5	6	7
1911	30 898 (73 9)	6 137 (14 7)	4 767 (11 4)	41,802 (100)	33 73	34 44
1921	30,279 (75 5)	5 409 (13 5)	4 407 (11 0)	40 095 (100)	33 73	34 02
1931	27,177 (72 3)	5 147 (13 7)	5 276 (14 0)	37 600 (100)	27 63	31 17
1951*	31,062 (76 8)	4 554 (11 2)	4 923 (12 1)	40 539 (100)	23 30	28 98
1961	47,274 (79 6)	6,884 (11 6)	5 244 (8 8)	59 402 (100)	27 96	31 53
1971	25 060 (80 1)	3 307 (10 5)	2 931 (9 4)	31 298 (100)	11 86	17 35

1941 Figures are omitted as they are based on 2% of the population on sample basis
Note Figures within brackets denote percentages of women workers
* Figures do not include Jammu and Kashmir
SOURCE (1) Census of India 1961—Paper No 1 of 1962—Final population
(2) Pocket Book of Population Statistics Census Centenary 1972 totals

5 24 The participation of women in industry, however, shows a general stagnation and a distinct decline after 1961 One reason for this lies in the transformation of the role of household and small scale industry in the national economy It is well known that ruination of domestic Industry has been a constant factor of our history during the British period which naturally affected both men and women But domestic industries like hand spinning, weaving, paper, jute articles etc which were relatively more female labour intensive were more affected by the process than industries like smithy, carpentry, pottery etc which hardly used any female labour In the period before 1947 both displacement of labour from small scale and cottage industry including domestic industry and corresponding increase in labour force employed in organised industries moved at a slower pace During the 30 year period between 1917 and 1947 the total number of industrial enterprises increased from 4,827 to 11,961 and the number of small enterprises rose from 538 to 2990 Of the total participation in industry on the eve of 1947, the overwhelming majority was constituted by domestic industry

5 25 In the post-independence period with rapid increase in the modern and organised ector of industry, the share of household industries declined rapidly Since they constituted he biggest traditional source of women's employment outside agriculture, women were the reatest victims of this process of economic transformation Many of these household indus- es like hand weaving, oil pressing, rice pounding, leather, tobacco processing etc had to ce stiff competition from factory production

026 The other reason for the exclusion of women from industry was technological change d rationalisation of the processes of production which reduced the demand for unskilled our Since the majority of women in the modern industrial sector were employed as killed workers they were the main victims of this change

Column three of Table I however requires some explanation According to census pational categories, there has been a marginal increase in the proportion of women in collared occupations, e g doctors, nurses and other health personnel, teachers, office ers etc [9] The effect of this has however, been neutralised by the virtual disappearance men from trade and commerce With the development of modern organised markets crease in the number of intermediaries and wholesale trade, the marketing of the

[9] This has been discussed in detail in section IV (B) of this chapter

products of traditional and household industry, which was one of the important avenues of earning for women in the earlier period has been gradually disappearing. As a result, the participation rate of women in the service sector has recorded a steady decline.

5.28 During the decade 1961—71 while the male and female population increased by 25% and 24% respectively) (20% and 21% in the working age-group), the number of men workers increased by 15.2% while that of women declined by 41.4%. It has been argued that this decline is the result of changes in the definition of workers adopted by the Census of 1971. The Census basically measures the level of employment of men and tends to ignore the inter-changeable roles of women as housewives and gainful workers. Since many of them participate in family enterprises as unpaid helpers, changes in the definition of workers which exclude secondaiy activity has an adverse effect on the recording of female employment. For exampl the Census of 1971 included 2.3 million women among non-workers, whose main activity was house work but who were angaged in some secondary activity in rural and urban areas as indicated in Tabal II.

TABLE II :

Number of Women Engaged in Secondary Work in Rural and Urban Areas Classified by their Main Activity, 1971 Census

		Secondary Work				
Main Activity	*Total Rural Urban*	*Culti-vators*	*Agricul tural Labourers*	*House hold industry*	*Non-Household Industry trade business or service*	*Total*
1	2	3	4	5	6	7
Cultivators	Total	—	100	34	36	169
	Rural	—	99	33	35	167
	Urban	—	1	—	1	2
Agriculturl Labourers	Total	18	—	32	46	96
	Rural	18	—	30	44	92
	Urban	—	—	2	2	4
Household Industry	Total	11	26	1	3	41
	Rural	11	25	1	3	40
	Urban	—	1	—	—	1
Non-House-hold Industry-trade business or service	Total	11	26	3	7	46
	Rural	11	24	2	5	41
	Urban	—	2	1	2	6
Non-workers	Total	444	1,190	347	330	2,311
	Rural	439	1,163	282	253	2,137
	Urban	5	27	65	77	174

Source : Estimated from 1 per cent sample data. Census of India, 1971, series, 1—India, Paper 3 of 1971. Economic Characteristics of Population (Selected Table) Page 83.

Note : Total may not tally due to rounding off. Figures in hundreds.

5.29 While the 1961 definition of workers was regarded as very liberal, according to census analysts it did not make much difference in the collection of data except in the States of Andhra Pradesh, Mysore and Tamil Nadu. It may be noted that the reported female activity rate of 27.5% usually accepted as an over estimate, agrees with the rate of 27.72% in the comparable round of the National Sample Survey of the same year. As for the rather restrictive definition of 'workers' in the Census of 1971 even when the figures are corrected by the inclusion of secondary workers, the fall in activity of females remains almost the same. We may, therefore, conclude that the declining trend has been a continuous one to which the 1961 figures are the only exception. The ratio of female to male workers has registered an overall decline in all categories in the rural and in most categories in the urban areas (Table III).[10]

10. Dandekar, Kumudini—Employment of Women in India—Paper submitted to IUSSP Conference, Liege (Belgium)—1973.

TABLE III

Ratio of Female to Male workers According to Activity in 1961 and 1971

Category of Activity	Female workers per 100 male workers			
	Rural		Urban	
	1961	*1971*	*1961*	*197*
1	2	3	4	5
1 Cultivators	50 10	13 34	38 88	9 25
2 Agriculture labourers	81 84	49 92	85 62	41 60
3 Livestock	31 22	23 43	20 06	14 41
4 Mining & Quarrying	—	17 93	—	11 96
5 Industry				
(a) Household	63 77	27 96	61 33	26 87
(b) Other than household	19 33	14 42	7 70	6 14
6 Construction	14 96	9 89	11 59	8 89
7 Trade & Commerce	19 52	8 04	6 78	4 89
8 Transport etc	1 93	2 16	2 35	2 40
9 Other services	35 25	15 41	20 53	18 70

5 30 The sharp difference in the participation rates of men and women is reflected the age groups except the youngest (0–14) both in 1961 and 1971 The data also ind wider difference in the women s participation rates between rural and urban areas age groups than in the case of males When we compare women's participation in with that in 1971, the decline is clear in all the age groups

TABLE IV

Age Specific Working Force—Participation Rates 1961 & 71

(a) 1961

Age Group	Males			Females		
	Total	Rural	Urban	Total	Rural	
1	2	3	4	5	6	
Total	57 1	58 2	52 4	28 0	31 4	1
0-14	9 4	10 6	3 5	6 6	7 6	
15 34	81 1	91 1	76 9	43 6	49 8	1
35 59	96 7	97 5	93 3	47 6	49 6	2
60 plus	76 6	79 9	58 4	22 4	24 3	1

(b) 1971

Age Group	Males			Females		
	Total	Rural	Urban	Total	Rural	
1	2	3	4	5	6	
Total	52 5	53 4	48 7	11 8	13 1	
0—14	6 6	7 5	2 8	2 6	3 0	
15—39	82 9	86 1	72 8	18 9	21 3	
40—59	95 8	96 7	92 5	21 2	22 8	
60 plus	73 8	77 4	55 4	10 5	11 3	

Source Census of India 1971 Paper of 1972

5.31 Table V presents state-wise percentage of female workers to their total population in 1961 and 1971 separately for rural and urban areas. It is obvious that the participation rates have recorded an overall decline in all States for both rural and urban areas though in most states the decline is sharper in urban areas.[11] The other significant aspect of this decline is the variation in the order of states according to level of participation over this decade. Kerala, whose position in rural participation was the last in 1961 has improved its position to 11th in 1971 and in urban participation from the 21st position in 1961 it has improved to 5th in 1971. Manipur has also improved its position in rural participation from 21st to 4th and in urban from 22nd to 1st. Rajasthan, on the other hand, lost position from 9th to 13th in rural participation but has improved its place in urban participation from 20th to 7th. Similar is the case for Andhra Pradesh, Mysore, Tamil Nadu. Maharashtra has, however, improved its position in the rural sector but lost ground in the urban sector.

5.32 Table VI indicates that while the trends vary in different industrial categories the decline of women's participation in most industries is not merely in percentages and ratios but also in absolute numbers. The distribution of women workers by broad categories.

TABLE V

Statewise Percentage of Female Workers to Their Total Population in 1961 and 1971 in Rural and Urban Areas

Sl No.	*State/Territory*	*Rural*				*Urban*			
		1961		*1971*		*1961*		*1971*	
		%	*Rank*	%	*Rank*	%	*Rank*	%	*Rank*
1	2	3	4	5	6	7	8	9	10
1.	Andhra Pradesh	64.32	1	31.69	2	52.40	10	11.60	4
2.	Assam	53.98	17	6.36	18	55.36	5	4.32	20
3.	Bihar	56.00	14	11.04	14	51.74	12	6.45	15
4.	Gujarat	55.30	15	13.58	12	48.37	19	6.32	16
5.	Himachal Pradesh	63.47	3	22.58	6	56.44	3	7.61	13
6.	Jammu & Kashmir	59.28	10	5.94	19	50.78	15	3.60	22
7.	Kerala	47.42	23	14.92	11	45.98	21	11.20	5
8.	Madhya Pradesh	61.58	5	23.73	5	52.44	9	8.09	11
9.	Maharashtra	58.07	12	28.70	3	54.83	6	9.72	9
10.	Mysore	60.40	8	17.60	9	51.57	13	10.08	8
11.	Nagaland	61.04	6	50.22	1	52.13	11	9.08	10
12.	Orissa	61.02	7	8.55	16	57.22	2	10.73	6
13.	Punjab	53.44	19	1.27	23	50.93	14	3.03	22
14.	Rajasthan	60.13	9	11.95	13	48.04	20	10.45	7
15.	Tamil Nadu	62.19	4	21.19	7	53.16	7	16.40	2
16.	Uttar Pradesh	59.20	11	9.54	15	51.74	12	4.16	21
17.	West Bengal	53.46	18	5.64	20	55.38	4	4.75	19
18.	Andaman & Nicobar	64.27	2	8.01	17	66.17	1	7.25	14
19.	Delhi	47.82	22	5.37	22	52.80	8	5.18	18
20.	Goa, Daman & Diu	71.77	20	29.78	48	48.75	26	13.04	3
21.	Manipur	47.93	21	27.33	4	40.99	22	18.00	1
22.	Pondicherry	57.13	13	15.61	10	48.74	17	7.80	12
23.	Tripura	55.24	16	52.39	21	46.84	18	5.42	17

Note—Figures for 1971 are corrected by including 'non-workers' with secondary activity.
SOURCE—Report of the Committee on Unemployment, 1973 Appendix IX.

11. Table 31 in Chapter II gives the participation rates in selected cities with population of over 1 million in 1971.

shows their increasing dependence on agriculture and a decline in both the industrial the service sector

5 33 The variations in trends according to mode of classification of sectors confirms o opinion that the census categories are not really useful for any proper assessment of t nature and extent of women's participation in our economy. This is corroborated by th views of the expert committees on unemployment[12]

5 34 The number of women in the organised sector constitutes a very small fraction o the total women working force In 1971 out of 31 million women workers 19 24 lakhs onl were employed in the organised sector constituting approximately 6% of the total women workers A predominant section of this group were engaged in the tertiary sector and the services alone accounted for 50%[13] In view of the difference in characteristics and problems mentioned earlier, our classification of women workers for purposes of trend analysis divides them broadly into the unorganised and organised sectors instead of the 9 industrial categories adopted by the Census We take up the unorganised sector first as it accounts for the overwhelming majority of women workers in the country

II Women in the Unorganised Sector

5 35 94% of the women workers are engaged in the unorganised sector of the economy, 81 4% in agriculture, and the rest in non agricultural occupations The major problems that affect them spring from the unorganised nature of all industry in this sector They are outside the reach of most laws that seek to protect the security and working conditions of labour Labour organisations are mostly absent Where they do exist, they are still in a formative stage and have had little impact on women

5 36 The gradual commercialisation and modernisation of the economy and the efforts made by Government to replace traditional by modern institutions of credit and marketing, to stabilise ownership of land, and to maintain minimum wages, have by no means succeeded in 'organising' the production relations to control the degree of exploitation of the weaker section Nor have they solved the problems of low productivity, poverty, unemployment and under-employment Traditional modes of productionr elations which defy modern classifications into employers and employees[1], labour and capital, rent and interest, still prevail in most industries in this sector, The impact of this intermixture has been greater on women Wages of women are uniformly lower than those of men, even within the low wage structure of all workers in this sector

5 37 Many of them are unpaid family workers, both in family enterprises, and in wage employment where their contribution to the family earnings as helpers of the men earners is not always realised, or admitted These unpaid family workers are predominantly women and children Most of them fulfil dual roles by engaging in economic and household activity More than half of the women who enter the labour force before the age of 15 re unpaid family workers as compared to one-third of the men in the same category hree estimates are available regarding the proportion of unpaid family workers in the bour force According to the National Sample Survey (except in the 19 th round based n Integrated Household Scheduler) the unpaid family workers in rural India were repor- d to form between 15 to 17 per cent of the male-labour force and between 41 to 49 per cent the female labour force Despite the variation in the concepts and the timings of the vey, the proportion of unpaid family workers shows a remarkable steadiness in the various nds **

The proportion of unpaid family workers aged 10 and over, estimated from 1961 us, was about 14% for males and 41% for females The degree of attachment to the ur force differs in the case of unpaid family workers The NSS data from the 14th 15th Rounds suggested that in rural India the proportion of females in the labour

12 Supra n 13 and 14

13 Women Employed in the organised sector, 1971 Directorate General Employment and Training, Government of India, Ministry of Labour

14 National Commiss on on Labour Chapter 29

** The various NSS Rounds were undertaken during the time specified below
14th Round July 1958 59
15th Round July 1959 60
16th Round July 1960-June 1961
17th Round Sept 1961 July 1962

TABLE VI

Distribution of Female Workers by Broad Industrial Categories 1911—1971 (In thousands)

Year	Total F. Pop.	Total No. of F. Workers	Cat. I Cultivaters	Cat. II Agricultural labourers	Cat. III mining, quarrying livestock forestry fishing, hunting, plantations.	Cat. IV household industry.	Cat. V manufacturing other than household industry.	Cat. VI construction.	Cat. VII trade & commerce	Cat. VIII transport storage and communication	Cat. IX other service	Total of Cat I & II (ag. sec)	Total of cat. III to IX (Ag. Sex) on (Agr. Sec.)
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1911	123,898	41,802	18,090	12,808	1,452		4,391	294	2,266	79	2,422	30,898 (73.9)	10,904 (26.1)
1921	122,749	60,085	20,276	10,003	1,431		3,689	289	2,189	67	2,151	30,279 (75.5)	9,816 (24.5)
1931	136,075	37,600	12,180	14,997	1,575		3,281	291	1,914	49	3,313	27,177 (72.3)	10,423 (27.7)
1951*	173,549	40,539	18,368	12,694	1,357		2,906	291	1,153	123	3,647	31,062 (76.8)	9,377 (23.2)
1961	212,467	59,402	33,103	14,171	1,187	4,665	789	243	815	65	4,364	47,274 (79.6)	12,128 (20.4)
1971(P)	263,900	31,298	9,266	15,794	907	1,331	865	204	556	146	2,229	25,060 (80.1)	6,238 (19.9)

*Figures do not include Jammu & Kashmir.

Provisional. The figures are based on one per cent sampling.

Source: (1) Census of India 1961—Paper No. 1 of 1962—Final Population Totals.

(2) Pocket Book of Population—Statistics—Census Centenary 1972.

force and particularly of female unpaid family workers falls steadily from a peak during July-August to a low during May-June

However, taking into account all these variations the one uniform trend that emerges is that the proportion of female unpaid workers is much higher than that of males and they form an important segment of the labour force The distribution of unpaid family workers by age-groups *given below, indicates that their proportion declines* considerably in the case of males after the age of 24 but for females, who form a higher proportion in the age group 10—19, the decline is marginal

TABLE VII

Percentage of Unpaid Family Workers in the Labour Force in Rural and Urban India by Sex and Age

Age	Rural India @		Urban India £	
	Males	*Females*	*Males*	*Females*
1	2	3	4	5
10–14	47 5	55 5	34 5	52 5
15–19	36 0	49 7	22 0	41 5
20–24	26 0	45 5	13 5	31 7
25–29	17 0	42 5	8 4	26 1
30–34	10 7	40 3	4 3	22 1
35–39	6 3	38 6	2 5	18 8
40–44	3 7	37 0	1 6	16 4
45 49	2 5	35 6	1 1	15 4
50–54	2 2	34 5	1 2	15 0
55–59	2.4	33 6	1 5	15 1
60–64	2 7	33 0	2 1	15 3
65–69	3 3	32 6	3 5	15 5
70–74	4 2	32 4	5 5	16 0
75+	5 6	32 2	8 8	18 0

@ Based on the NSS data from the 16th and the 17th Rounds (1960–61 & 1961–62, respectively)

£ Based on the NSS data from the 14th and the 15th Rounds (1958–59 and 1959 60, respectively)

Source Report of the Committee of Experts on Unemployment Estimates, 1970–p 165

5 38 Agriculture has received somewhat more attention [illegible] experts engaged in socio economic research Consequently, available on the role and conditions of women workers in [illegible] industries and services in the unorganised sector, however, have been neglected by most investigators, with the result that there is practically no reliable data on this field[2]

5 39 Census data poses several difficulties since it does not classify workers by degree of organisation of their occupations Secondly, its classification of workers by their primary activity misses the overlapping nature of agricultural with non agricultural occupations Even the National Sample Survey, with its short reference periods cannot discover fully the variety of occupations that women engage in during the course of the year

5 40 The seasonal and fluctuating nature of their different occupations, *in our opinion*, is one of the main causes of large scale short distance and short term migration of rural women, particularly agricultural labourers who are compelled to seek work outside their village during the off seasons[3]

2 This has been pointed out—repeatedly by various expert bodies e g the National Commission on Labour the Expert Committee on Unemployment Estimates, and the Committee on Unemployme

3 *Vide Chapter II—paras 44 53*

Estimates of Unemployment and Under-employment

5.41 The interplay of various social and economic factors pose difficulties in estimating employment, unemployment and under-employment of women, particularly in rural areas. In spite of such difficulties, the Committee on Unemployment found women to be a greater victim of unemployment and underemployment. The number of unemployed women in rural areas was estimated to be 4.5 millions as against 3.2 million males in 1971. Thus women constitute nearly 60% of the rural unemployed and 56% of the total unemployed in the country. Table (VIII). It should be noted that this estimate of unemployed only takes into account persons recorded as 'seeking work'. In the case of women, this category does not truly portray the number of women who need employ-

TABLE VIII

Estimated number of unemployed persons 1971 Census

Area	Sex	Percentage of unemployed persons	Total population in (1971) (million)	Number of unemployed persons (million)
1	2	3	4	5
Rural	Males	1.42	225.2	3.2
	Females	2.10	213.6	4.5
	Total	—	438.8	7.7
Urban	Males	1.35	58.7	0.8
	Females	0.98	50·4	0.5
	Total	—	109.1	1.3
All India	Males	—	283.9	4.0
	Females	—	264.0	5.0
	Total	—	547.9	9.0

TABLE IX

Estimated number of under-employed persons in 1971 population (on the basis of percentage of under-employed persons derived from 19th round of NSS)

	Males			Females		
Hours of work in a week	Percentage of under-employed workers among the employed labour force	Percentage of under-employed workers in population	Under-employed persons in 1971 population (millions)	Percentage of under-employed persons among female workers	Percentage of female under-employed workers in the population	Under-employed persons in 1971 population (million)
1	2	3	4	5	6	7
Rural						
1—7	0.65	0.34	0·77	1.49	0.36	0.77
8—14	3.15	1.63	3.67	6.18	1.52	3.25
Total 1—14			4.44			4.02
15—21	3.05	1.57	3.54	5.65	1.39	2.97
22—28	3.62	1.87	4.21	9.06	2.03	4.34
Total 1—28			12.19			11.33
Urban						
1—7	0.50	0.25	0.15	1.55	0.19	0.10
8—14	2.14	1.07	0.63	6.64	0.82	0.41
Total 1—14			0.78			0.51
15—21	1.52	0.76	0.45	5.12	0.64	0.32
22—28	2.05	1.02	0.60	11.27	1.40	0.71
Total 1—28			1.83			1.54

Source : Report of the Committee on Unemployment, pp. 156—158 Based on NSS and Census data.

ment but cannot get it[4]. Table IX indicates that the number of under-employed women in terms of the hours of work available to them during a week becomes higher than men in the category of 22 to 28 hours in both rural and urban areas. Their proportion is however less than men when the hours of employment are less

5 42 Low labour utilisation and seasonal unemployment are a manifestation of rural poverty where individuals are forced to take on extremely low productivity jobs which do not always ensure minimum subsistence The basic problems that affect women's roles and
helpless dependence caused
id illiteracy, restricted mobi-
a woman worker is linked
to that of her husband or father particularly so in the rural areas

5 43 *The abject poverty of these workers is the result of their lack of control over adequate* productive resources The effect of possession of marginal land or landlessness, a persistent gap between income and consumption, lack of continuous employment and low social position is further enhanced by near perpetual indebtedness The cumulative effect of all these factors is that the worker is deprived of all bargaining power and occupational and geographical mobility The totality of this problem results in increasing pauperisation and abject poverty

Estimates of Poverty

5 44 In recent years there have been various attempts to estimate the magnitude of the problem of poverty These estimates, measured on the basis of consumption-expenditure, have attempted to calculate the number of persons below subsistence level According to the Planning Commission, the proport on of people below the poverty line has slightly
of people in this condition
omputation of this figure is
iong scholars regarding the
ining Commission regarding
the declining proportion of persons below the poverty line[7], at least one has argued that in
1968-69 In
line rose from
e estimates is
isumption ex-
penditure

5 45 It is sometimes argued that such an increase in the number of the poor is not possible in view of the rise in per capita income This argument ignores the impact of the price increase of consumption goods, particularly of foodgrains There is some evidence that the consumer prices have risen more for the poor than for the rich[9].

5 46 It is difficult to estimate the proportion and number of women affected by this increase in poverty as data regarding this is not available But the higher level of unemployment and under-employment among women leads us to conclude that their proportion below the poverty line is likely to be higher than men The physical evidence of increasing destitution among women in recent years has been reported to us from various quarters Unfortunately, however, no reliable data is available for estimating the size of this group The Department of Social Welfare has estimated that about one lakh of widows become destitute every year

4 "The estimates of unemployment are dependent on the assumption of a given state of technology and organisation' —Report of the Working Group on Financial and Fiscal Measures (appointed by the Expert Committee on Unemployment)—Chapter II reproduced in Mainstream, July 14, 1973

5

6

7

8 Bardhan, P K 'On the ... *Weekly*, rdhan's nditure 20/-

9 decile Distri- recent

in the age group 20—44. For the age group above 65, this number is estimated at 48.3 lakhs[10]. It is. however, difficult to understand the basis of these calculations.

5.47 While the interrelated problems of poverty, unemployment and underemployment affect the economy as a whole, we have dealt with them in the section on the unorganised sector mainly because the overwhelming mass of women workers, both by primary and secondary activity, are to be found in this sphere. Structural changes in our economy which may decrease the share of the unorganised sector, are at present very distant objectives. The special disabilities that characterise the rights and opportunities for women's economic participation are more predominant in the unorganised sector and will require special attention and remedial measures.

A. Agriculture

5.48 Agriculture remains the major economic activity for women. According to the census of 1971, 80.1% of women workers are found in agriculture. In rural areas they constitute 87% of the female work force. In urban areas their proportion is 17.5%. Any assessment of the role and problems of women in Indian agriculture has to take note of the nature and structure of the agricultural economy with its characteristic features of land relations, labour utilisation and the roles and functions of the credit system.

5.49 The system of land relations and labour utilisatian are closely inter-twined, the latter being intimately related with the hierarchic structure of land ownership. "Social stratification in a village is linked with land and caste, which govern status, economic power and political influence as much as the level of living which is their consequence[11]".

While census data classifies agricultural workers into only two categories, viz. cultivators and labourers, this classification does not, in fact, reflect the realities of the agricultural community. Cultivators include absentee land owners who do not cultivate their land themselves, or cultivate it with hired labour, lease holders, and tenants of different categories, including share croppers and marginal farmers who not only cultivate their own lands but also engage in labour on others' land[12]. Labourers, on the other hand, include casual, daily wage labourers, 'attached' workers, whose wages are fixed by contract, and 'bonded' labour who have taken loans from land-owners and have contracted to pay off the loan by working for them. The first and the second category may include very small cultivators whose main source of earnings, due to their small and sub-marginal holdings, is wage employment[13]". The second category gets somewhat higher wages than the first and is assured of some income in the lean seasons. The National Commission on Labour describes them as 'permanent'. Their mobility, however, is restricted as they cannot leave their masters at will. Some of this group are also share croppers[14]. The third category, in the words of the National Commission on Labour, "can best be described in terms of debtbondage, fixed for a time or a life time, or hereditarily descending from father to son in some cases[15].

5.50 In spite of regional variations, this pattern of stratification of agricultural workers is found in most parts of the country. It is difficult to clearly demarcate the categories, because of a process of movement from one to the other, through changes in income position, land values, rates of return and the degree of indebtedness. Some recent studies have indicated that two separate processes have contributed to resumption of land by owners after evicting tenants : (a) increase in productivity from better methods of cultivation, and consequent prospects of higher returns from land; and (b) Governmental efforts to confer ownership rights on tenants. "While a certain degree of upward mobility may be found among a very small minority, the general pattern of change is in a downward direction, through increasing

10. Social Welfare in the Fifth Five Year Plan, 1972, p.23.
11. National Commission on Labour—para 28.5.
12. This definition of cultivators was accepted by the census of 1961. It has, however, been restricted to those whose primary activity is cultivation in census of 1971.
13. National Commission on Labour, para 28.1.
14. H.D. 'Arithmetic of Rural Poverty'—*Economic and Political Weekly*—December 15, 1973, p 2208. This is based on two surveys of agricultural workers by the Government of West Bengal in 1972 and 73.
15. National Commission on Labour—para 28. 63.
16. Hanumantha Rao, C.H. 'Socio-Political Factors and Agricultural Policies'—*Economic and Political Weekly*, Special No. 1974, p. 1287;
Bardhan, P.K. 'Some Aspects of Inequality', in Mitra, Bose, Desai and Sharma—*Population in India's Development*, 1974, p. 71.

pressure of growing families on small holdings and growing indebtedness wh... loss of land[17]

"Insufficient land base is at the root of all these problems of poverty, te... insecurity and under employment Land owned being the primary coll... in loans whether from private or institutional sources, these problem... usually coupled with the problem of gross inadequacy of credit for cons... tion as well as production needs of the rural poor Exorbitant rate... interest and the deadweight of outstanding loans depress the returns obta... by poor peasants from cultivation and marketing perpetuate varying deg... of essentially bonded labour and, in general, darken their horizon for fut... prospects[18]

5 51 The impact of this process on women s participation in agriculture is visible fro... sharp decline in women cultivators and the increase in the ranks of agricultural laboure... the last few decades

TABLE X

Distribution of Women Workers in Agriculture 1951—71

Category	1951 No of female workers	%age of total no of female workers	1961 No of female workers	%age of total no of female workers	1971 No of female workers	%age of total no of female workers
1	2	3	4	5	6	7
1 Cultivators	18367875	45 42	33103198	55 73	9266471	29 61
2 Agricultural labourers	12693671	31 39	14170831	23 86	15794399	50 46
		76 81		89 59		80 07

Excluding the figures for 1961 as a deviation case which may be attributed to the broader definition of cultivators adopted in that census the decline of women cultivators from 183 6 lakhs in 1951 to 92 6 lakhs in 1971, i e by nearly 50% can be attributed to increasing pauperisation leading to loss of land or inadequate growth of productive employment opportunities on family farms, leading to withdrawal of women from active cultivation

5 52 The increase in the number of agricultural labourers from 12 6 millions in 1951 to 15 7 millions in 1971[19], a shift from less than one third to more than half of the total women work force, is the greatest indicator of increasing poverty and reduction in the level of employment and not of improving rights and opportunities for economic participation The average opportunity for employment available to women agricultural labourers is indicated in the following table —

TABLE XI

Extent of Employment of Male and Female Agricultural Workers Belonging to Agricultural Labour Households — by paid man days in a year

	Ag Emp (Paid mandays)		Non-Ag Emp (Paid mandays)	
	Men	Women	Men	Women
1	2	3	4	5
First Ag Labour Enquiry 1950 51	189	129	20	14
Second Ag Labour Enquiry 1956 57	194	131	28	10
Rural Labour Enquiry 1964 65	217	149	25	11

17 Prasad P H Reactionary Role of Usurer s Capital in Rural India, *Economic and Political Weekly*, Special No 1974 pp 1305—1308

18 Bardhan P K —op cit p 69

19 The highest number of women agricultural labourers recorded in pre partitioned India was in 1931—14 9 lakhs the number recorded in 1971 is the highest for both the periods

in the age group 20—44. For the age group above 65, this number is estimated at 48.3 lakhs[10]. It is, however, difficult to understand the basis of these calculations.

5.47 While the interrelated problems of poverty, unemployment and underemployment affect the economy as a whole, we have dealt with them in the section on the unorganised sector mainly because the overwhelming mass of women workers, both by primary and secondary activity, are to be found in this sphere. Structural changes in our economy which may decrease the share of the unorganised sector, are at present very distant objectives. The special disabilities that characterise the rights and opportunities for women's economic participation are more predominant in the unorganised sector and will require special attention and remedial measures.

A. Agriculture

5.48 Agriculture remains the major economic activity for women. According to the census of 1971, 80.1% of women workers are found in agriculture. In rural areas they constitute 87% of the female work force. In urban areas their proportion is 17.5%. Any assessment of the role and problems of women in Indian agriculture has to take note of the nature and structure of the agricultural economy with its characteristic features of land relations, labour utilisation and the roles and functions of the credit system.

5.49 The system of land relations and labour utilisatian are closely inter-twined, the latter being intimately related with the hierarchic structure of land ownership. "Social stratification in a village is linked with land and caste, which govern status, economic power and political influence as much as the level of living which is their consequence[11]".

While census data classifies agricultural workers into only two categories, viz. cultivators and labourers, this classification does not, in fact, reflect the realities of the agricultural community. Cultivators include absentee land owners who do not cultivate their land themselves, or cultivate it with hired labour, lease holders, and tenants of different categories, including share croppers and marginal farmers who not only cultivate their own lands but also engage in labour on others' land[12]. Labourers, on the other hand, include casual, daily wage labourers, 'attached' workers, whose wages are fixed by contract, and 'bonded' labour who have taken loans from land-owners and have contracted to pay off the loan by working for them. The first and the second category may include very small cultivators whose main source of earnings, due to their small and sub-marginal holdings, is wage employment[13]". The second category gets somewhat higher wages than the first and is assured of some income in the lean seasons. The National Commission on Labour describes them as 'permanent'. Their mobility, however, is restricted as they cannot leave their masters at will. Some of this group are also share croppers[14]. The third category, in the words of the National Commission on Labour, "can best be described in terms of debtbondage, fixed for a time or a life time, or hereditarily descending from father to son in some cases[15].

5.50 In spite of regional variations, this pattern of stratification of agricultural workers is found in most parts of the country. It is difficult to clearly demarcate the categories, because of a process of movement from one to the other, through changes in income position, land values, rates of return and the degree of indebtedness. Some recent studies have indicated that two separate processes have contributed to resumption of land by owners after evicting tenants: (a) increase in productivity from better methods of cultivation, and consequent prospects of higher returns from land; and (b) Governmental efforts to confer ownership rights on tenants. "While a certain degree of upward mobility may be found among a very small minority, the general pattern of change is in a downward direction, through increasing

---

10. Social Welfare in the Fifth Five Year Plan, 1972, p.23.
11. National Commission on Labour—para 28.5.
12. This definition of cultivators was accepted by the census of 1961. It has, however, been restricted to those whose primary activity is cultivation in census of 1971.
13. National Commission on Labour, para 28.1.
14. H.D. 'Arithmetic of Rural Poverty'—*Economic and Political Weekly*—December 15, 1973, p 2208. This is based on two surveys of agricultural workers by the Government of West Bengal in 1972 and 73.
15. National Commission on Labour—para 28. 63.
16. Hanumantha Rao, C.H. 'Socio-Political Factors and Agricultural Policies'—*Economic and Political Weekly*, Special No. 1974, p. 1287;
Bardhan, P.K. 'Some Aspects of Inequality', in Mitra, Bose, Desai and Sharma—*Population in India's Development*, 1974, p. 71.

p ssure of growing families on small holdings and growing indebtedness which le loss of land[17]

'Insufficient land base is at the root of all these problems of poverty, tenurial insecurity and under employment Land owned being the primary collateral in loans whether from private or institutional sources these problems are usually coupled with the problem of gross inadequacy of credit for consumption as well as production needs of the rural poor Exorbitant rates of interest and the deadweight of outstanding loans depress the returns obtained by poor peasants from cultivation and marketing perpetuate varying degrees of essentially bonded labour and in general darken their horizon for future prospects[18]

5 51 The impact of this process on women s participation in agriculture is visible from the sharp decline in women cultivators and the increase in the ranks of agricultural labourers over the last few decades

TABLE X

Distribution of Women Workers in Agriculture 1951—71

Category	1951 No of female workers	%age of total no of female workers	1961 No of female workers	%age of total no of female workers	1971 No of female workers	%age of total no of female workers
1	2	3	4	5	6	7
1 Cultivators	18367875	45 42	33103198	55 73	9266471	29 61
2 Agricultural labourers	12693671	31 39	14170831	23 86	15794399	50 46
		76 81		89 59		80 07

Excluding the figures for 1961 as a deviation case which may be attributed to the broader definition of cultivators adopted in that census the decline of women cultivators from 183 6 lakhs in 1951 to 92 6 lakhs in 1971 i e by nearly 50% can be attributed to increasing pauperisation leading to loss of land or inadequate growth of productive employment opportunities on family farms leading to withdrawal of women from active cultivation

5 52 The increase in the number of agricultural labourers from 12 6 millions in 1951 to 15 7 millions in 1971[19] a shift from less than one third to more than half of the total women work force is the greatest indicator of increasing poverty and reduction in the level of employment and not of improving rights and opportunities for economic participation The average opportunity for employment available to women agricultural labourers is indicated in the following table —

TABLE XI

Extent of Employment of Male and Female Agricultural Workers Belonging to Agricultural Labour Households — by paid man days in a year

	Ag Emp (Paid mandays)		Non Ag Emp (Paid mandays)	
	Men	Women	Men	Women
1	2	3	4	5
st Ag Labour quiry 1950 51	189	129	20	14
ond Ag Labour uiry 1956 57	194	131	28	10
al Labour uiry 1964 65	217	149	25	11

Prasad P H React onary Role of Usurer s Cap tal in Rural India , *Economic and Political Weekly* Special No 1974 pp 1305—1308

Bardhan P K —op c t p 69

The highest number of women agricultural labourers recorded in pre partitioned Ind a was in 1931—14 9 lakhs the number recorded in 1971 is the h ghest for both the per ods.

5.53 Some intensive studies of rural households in selected districts of the country conducted by the Labour Bureau, Simla in 1967-70 indicate variations in the degree of unemployment of men and women according to regions and age-groups. The percentage in the case of males and females are of the total population in each age-group, and not of the male and female population respectively. The level of female unemployment is considerably higher than males in the States of Andhra, Gujarat, Madhya Pradesh and Tamil Nadu. The increasing unemployment of women in the higher age-groups in West Bengal is specially noteworthy.

TABLE-XII

Percentage of unemployed males, females and total persons to the total population of selected rural labour household by broad age group :

State	District within which study was undertaken	Sex	Age-group			
			Below 15	15—59	60 plus	All ages
1.	2.	3.	4	5.	6.	7.
1. Andhra Pradesh	Mehboobnagar	Males	1.05	1.60	2.50	1.42
		Females	2.02	8.58	5.02	5.70
		Persons	3.07	10.18	7.52	7.12
2. Bihar	Gaya	Males	0.48	6.90	4.90	3.97
		Females	0.52	2.29	1.96	1.50
		Persons	1.00	9.20	6.86	1.50
3. Gujarat	Surat	Males	0.61	3.98	1.06	2.21
		Females	1.95	6.83	2.12	4.25
		Persons	2.57	10.81	3.18	6.46
4. Himachal Pradesh	Chamba	Males	0.63	1.96	1.07	1.34
		Females	0.24	0.34	—	0.28
		Persons	0.87	2.30	1.07	1.62
5. Jammu & Kashmir	Anantnag	Males	0.80	11.77	2.22	6.52
		Females	1.04	7.66	0.20	4.40
		Persons	1.84	19.43	2.42	10.92
6. Madhya Pradesh	Rewa	Males	1.02	4.94	5.02	2.40
		Females	2.06	12.18	2.51	6.49
		Persons	3.08	17.12	7.53	7.89
7. Maharashtra	i. Ratnagiri	Males	1.00	7.66	1.31	3.83
		Females	—	10.03	0.66	4.88
		Persons	1.00	17.69	1.97	8.71
	ii. Wardha	Males	0.98	2.37	4.14	1.98
		Females	1.19	5.38	2.68	3.50
		Persons	2.17	7.75	6.82	5.43
8. Mysore	Hasan	Males	1.32	15.58	0.86	8.03
		Females	1.64	12.27	2.58	6.70
		Persons	2.96	27.85	3.44	14.73
9. Punjab	Gurdaspur	Males	—	0.38	—	0.19
		Females	—	—	—	—
		Persons	—	0.38	—	0.19
10. Rajasthan	Tank	Males	0.63	10.39	0.80	5.50
		Females	0.74	11.65	0.36	6.16
		Persons	1.37	22.4	1.16	11.66
11. Tamil Nadu	Dharmpuri	Males	1.73	11.19	10.55	7.04
		Females	2 53	20.02	2.78	11.37
		Persons	4.26	31.21	13.33	18.41
12. Uttar Pradesh	Etawah	Males	0.99	5.68	5.48	3.55
		Females	—	0.38	—	0.19
		Persons	0.99	6.06	5.48	3.74
13. West Bengal	Bankura	Males	0.55	3.56	9.85	1.64
		Females	—	4.22	17.33	2.06
		Persons	0.55	7.78	27.18	3.70

Source : Unpublished data from the Intensive Type Studies of Rural labour Household. Report of the Committee on Unemployment pp. 142-43.

Wage Discrimination.

5 54 The most important reasons for the low rates of wages, particularly for women la in agriculture are the unorganised nature of farm labour, the ease with which hired la can be substituted by family labour, the seasonal nature of the demand for labour and traditional classification of some jobs as the monopoly of women As per the Minim Wages Act, 1948 (2nd Schedule) minimum wages are to be fixed by State Governments agricultural labour and the rates are to be reviewed periodically at intervals not exceeding years There are still some States which have not brought large areas of agricultural e ployment within the ambit of the Act The machinery for the fixation and enforcement minimum wages is not uniform The National Commission on Labour had criticised t inadequate implementation of the Act The reasons for this, in their view, lay in the pover and illiteracy of agricultural labour, the casual nature of their employment and their ignoranc of the law, all of which apply particularly to the women According to the Census of 1971 92 1% of the women workers in rural areas are illiterate Because of these handicaps agri cultural labour as a whole and women in particular are not able to employ methods now common to industrial labour to improve their bargaining power There are considerable disparities in wages between men and women depending upon the region between crops and the bargaining power of labour

5 55 In earlier times, the regional variations in wage rates were probably influenced by cultural variations in attitudes to women's work In recent years however, this situation has changed As observed by the National Commission on Labour, 'the fixation of statutory minimum wages by the Government has tended to narrow the gap between wages of men and women '[20] The Commission, however, noted the continuation of wage differentials between men and women, particularly in agriculture "In the larger sectors where women are employed viz , agriculture and small industries, evidence shows that in fixing wage rates some State Governments have not been free from discrimination against women "[21] Table XIII indicates the difference in maximum and minimum wages of men and women for the same agricultural operations in selected States -

TABLE XIII

Agricultural Wages in Different States 1 Bihar State 1970—for 11 months

1	2	3
	Maximum	*Minimum*
Sowers		
Men	44 05	15 95
Women	29 50	12 50
Children	19 25	10 53
Weeders		
Men	41 30	16 12
Women	33 76	12 90
Children	21 00	10 25
Reapers		
Men	67 00	18 75
Women	38 95 (10 months)	13 50 (10 months)
Children	19 31 (9 months)	8 50 (9 months)
	2 Haryana 1971 (9 months)	
	Maximum	*Minimum*
...wers		
...n	72 20	47 00
...men	2 50 (1 month)	—
...ldren	—	—
...ders		
	64 00	43 50
...nen	39 60	24 50
...ren	15 00 (6 months)	3 00 (1 month)

Para 27 15
Ibid 27 14

	Maximum	Minimum
Reapers		
Men	74.80 (8 months)	30.50 (6 months)
Women	31.50 (6 months)	10.00 (3 months)
Children	16.50 (4 months)	8.50 (3 months)
3. Madhya Pradesh 1971		
Sowers	*Maximum*	*Minimum*
Men (11 months)	44.75	15.25
Women	31.25	9.25 (9 months)
Children	23.00 (10 months)	7.75 (9 months)
Weeders		
Men (12 months)	36.50	12.50
Women	30.50	10.50
Children	23.75	7.70
Reapers		
Men (10 months)	35.00	10.50 (9 months)
Women	31.25	9.25 (9 months)
Children	23.75	5.75 (9 months)
4. Punjab 1971 (12 months)		
Sowers	*Maximum*	*Minimum*
Men	95.00	63.75
Women	—	—
Children	—	—
Weeders		
Men	95.00	64.00
Women	37.50 (7 months)	—
Children	—	—
Reapers		
Men	78.25 (10 months)	44.00 (8 months)
Women	—	—
Children	—	—
5. Tamil Nadu 1971 (12 months)		
Sowers	*Maximum*	*Minimum*
Men	48.25	23.00
Women	30.00	12.96
Children	24.25	12.49
Weeders		
Men	42.00	12.00
Women	27.00	12 00
Children	24.25	10.07
Reapers		
Men	58.00	24.23
Women	44.80	14.82
Children	44.28	16.01
6. Uttar Pradesh (12 months) 1971		
Sowers	*Maximum*	*Minimum*
Men	66.56	11.27 (11 months)
Women	47.70	9.75 (10 months)
Children	17.50 (8 montns)	5.50 (7 months)
Weeders		
Men	60.00	11 23
Women	42.80	10.16 (11 months)
Children	30.20	6.00 (9 months)
Reapers		
Men	52.60	8.87 (9 months)
Women	42.85 (11 months)	8.07 (9 months)
Children	29.20 (5 months)	7.50 (8 months)

Source : Directorate of Economics & Statistics, Ministry of Agriculture, Govt. of India.

5.56 Apart from the differentials in wages for the same jobs, discrimir is strengthened by having lower rates for the jobs traditionally done by weeding, transplanting, winnowing, threshing and harvesting, as against j done by men only. The other factor that contributes to the low wages practice of identifying a workday as equivalent of 7—9 hours. Many won report for duty on time because of household responsibilities, and do not g It was reported to us that ½ an hour's delay could lead to a loss of half day's explain the wide variations in maximum wages drawn by men and women.

5.57 In spite of inadequacy of Government enforcement machinery, there is the Minimum Wages Act has provided an opportunity to reduce discrimin We are happy to note that some State Governments e.g., Bihar, have not differential in wages for some jobs in agriculture.[22]

Disabilities and Exploitation

5.58 The disabilities of women workers in agriculture stem from their immobility caused by a variety of economic and social factors. The absence o opportunities for employment in the rural sector has been intensified by the traditional handicrafts and cottage industries. The problem of under-employm cultural workers and the need to strengthen and revive village and cottage indu formed a major feature of the economic teachings of Mahatma Gandhi and has co of form a part of the plans for economic development since independence. The contr these traditional village industries to the employment needs of particularly the weaker the rural population has been admitted by the Committee on Unemployment which mended the maintenance of the present levels of employment in these industries. In spi policy of support from the government, however, the remnants of these industries h been able to provide, to an adequate extent, the needed diversification of occupations weaker sections of the rural population. On the other hand, disappearance of many of industries has led to a loss of skills as a result of which the majority of women workers agricultural sector today do not posses any skills other than the traditional agricultural We have met many such women among the landless labourers in the villages. A grou Santhal women in a village in Birbhum (West Bengal) informed us that while they c not obtain employment in agriculture, their lack of other skills had reduced them to comp destitution.

5.59 The only major alternative avenue of employment that has been offered to the women in the recent past has been through the programme of rural works. While these m meet employment needs for a short time, their impact is not continuous either in maintaining steady level of employment or in generating new skills. Women are employed in these projects only as unskilled labourers at the lowest rate of wages.

5.60 The large majority of women agricultural workers prefer to remain in their villages seeking occasional employment available within short distance. This was repeated to us in different parts of the country and is also the finding of a number of studies on rural areas. Apart from the voluntary decision on the part of women to remain in the villages which spring from their family responsibilities and socio psychological reluctance to move out of the familiar habitat, for many of them such a decision is involuntary because of the status of their husbands or sons as attached labour. The restriction of movement of these labourers extends to the women members of the family also, either directly or indirectly. We have been informed that in many areas the attachment covers the women of the family also who have to work along with their male members, both on the land as well as in the household of the person to whom they are attached.

5.61 The vulnerability of the woman becomes still greater when her husband has been reduced to the status of bonded labour. It was admitted by the National Commission on Labour that the system of bonded labour 'grew out of acute indigence and helplessness of tribal and semi tribal communities in the grip of a precarious subsistence economy. There was a combination of reasons for the depression of this section of the rural population — uneconomic holdings, meagre income from forest produce, high incidence of rent, insecurity of tenure and so on. To these were added the social compulsion which constitute 'ostensible' and immediate causes of the system. These are the necessity of incurring expenditure over marriage, avoidable expenditure on birth and death and general economic depression.'[23]

---

22 Bihar notification No VI/W3 1062/70 L & E 2036 (3) dated 29.9.70—Bihar G
23 Para 28.63

5.62 It has been brought to our notice that the system of bonded labour sometimes leads to various forms of exploitation of the women. Some recent studies on the hill regions of Uttar Pradesh have revealed a close relationship between incidence of bonded labour and trafficking in women from such families.[24]

5.63 While we do not have substantial data to establish a quantified relationship between status in the social hierarchy and economic position in the agricultural system, there are many indicators to show that a large proportion of the most vulnerable section of women agricultural labourers, namely the overwhelming majority of landless and a sizable section of the marginal peasants, come from socially depressed communities. According to the Census of 1961, 42.9% of women workers from the Scheduled Castes were agricultural labourers. In the case of scheduled tribes this figure was 21.33%. Their representation in non-agricultural occupations was negligible. The number of scheduled caste women employed as agricultural labourers was over 9 lakhs in Andhra Pradesh, over 6 lakhs in Tamil Nadu and 7 lakhs in Uttar Pradesh.

5.64 The degree of poverty and the higher participation rate among women in these sections of the population gives the large land owning families an upper hand since attached agricultural labour generally comes from these sections and wage differentials discriminating not only between men and women but between the non-scheduled and scheduled workers in general is widely prevalent. The National Commission on Labour had expressed its concern at this state of affairs. "Our concern is all the greater, since those who suffer more, even among women as a group, are ignorant, unskilled and semi-skilled workers coming from communities which convention recognises as belonging to the lower social strata and for protecting whom Article 46 of the Constitution is presumably intended. In a way women belonging to these communities are intended to be doubly protected (a) because they are the 'weaker section'; and (b) because of the comparatively unfortunate communities to which they belong; and it is here that the protection is the least."[25]

5.65 Before concluding our review of the agriculture sector we would like to draw attention to a problem that affects women's participation in agriculture with the introduction of modern methods of cultivation. In the tribal areas where the traditional pattern had ensured a high participation by women, the advance of development with modern methods of cultivation is resulting in a gradual displacement of women from their traditional position in the community. Even in the matrilineal community of the Garos (Meghalaya), the development of orchards and terraced cultivation has started the process of shrinking women's activities [26]. A similar process is visible in areas where the community is changing from shifting to terraced cultivation. It is argued by workers of the Bharatiya Adimjati Sevak Sangh that this is due to the approach of government agricultural extension workers who teach new methods to the men only. It would appear that the Government agents, influenced by their own biases or experience limited to their home areas, are perhaps unconsciously precipitating changes in the participation pattern of these communities which will affect the economic position of the women in the long run.

5.66 Our review makes it clear that the main disabilities and source of exploitation of agricultural workers are rooted in their landlessness, lack of organisation, and inequality of status. The basic solution to these problems obviously lies in redistribution of land to reduce inequalities and concentration of excessive economic power in the hands of a few.

5.67 We would like to mention here our impression of an experiment in rehabilitation of some landless families. 85 harijan families, settled on redistributed land at Narasannapet (Rayalaseema, Andhra Pradesh) presented us with a scene not only of agricultural prosperity, but of happy, hopeful families. The women's expression, dress and above all the bright faces of the children, presented a sharp contrast to those of a group of women from landless families from the same background. The latter looked ragged, worn out and totally hopeless. The contrast remains one of the most vivid experiences during our tours. It also

24. Yugandar, B N.—*From the Green Hills of Purola to the Brothels of Delhi and Meerut*—Paper prepared after field study and survey conducted by the National Academy of Administration, Mussoorie (unpublished) Trivedi, H R.-'Exploitation of Scheduled Caste Women'. (Uttarkashi region)—Study conducted by All India Harijan Sevak Sangh for the Committee on the Status of Women; Jain, Km. S.D.—Changing Status of Women in Jaunsar Bawar.
25. Para 27.14
26. Banerjee, N—Role of Women in the Tribal Economy (unpublished). Paper submitted to Seminar on the same subject, organised by the Adimjati Sevak Sangh in 1974.

brought home the futility of attempts to scratch at the problem of rural poverty without the one measure that can help this destitute class—land reform

5 68 Some legislation, dealing with distribution of land is not lacking But its implementation varies from gross inadequacy[27] to ineffectiveness What is more, in some of the new in States like Madhya Pradesh and nst women While a major son is own right, no such provision has been made for a major daughter, married or unmarried.[28]

5 69 In our opinion, no substantial improvement in the condition of women agricultural workers is possible without effective steps to redistribute land Side by side with it, organisation of labour needs to be developed to improve the bargaining power of these workers, to prevent exploitation and low wages

B.—Non Agricultural Occupations:

5 70 Next to agriculture the largest number of women are employed in various industries, trades and services in the unorganised sector both in rural and urban areas The statistics relating to women workers in these unorganised and regulated industries and services are highly inadequate and unreliable At present there is no agency responsible for the unorganised sector The National Commission on ntifying unorganised labour by any exact definition, ir characteristics and constraints, namely (a) casual d illiteracy, (c) small size of establishments with low capital investment per person employed, (d) scattered nature of establishments, and (e) superior strength of the employers operating singly and in combination Admitting the inadequacy of information in the absence of any first hand study of different categories of this amorphous group, the Commission estimated the number of their workers to be about 10 millions. It also stated that there was another group of approximately 11 millions who could not be described as 'employees' in the cottage and household industries and handicrafts These estimates were based on the census of 1961.

5 71 The Committee on Unemployment estimated that traditional village and cottage industries are "currently providing employment to more than 10 million persons among the community widely dispersed over rural and semi-urban khadi an village industries, sericulture, coir, cashew, They suffer from a number of handicaps, including techniques and consequent low productivity

5 72 It has to be remembered that one of the greatest factors contributing towards the fall in women's economic participation in India has been the decline of this group of industries as a consequence of unequal competition with the factory sector The most developed of these household industries before independence were hand-weaving, oil pressing, rice-pounding, pottery, tanning and leather manufacture, tobacco processing, etc Almost each factory production With the establishment he oil mills offered higher prices for the raw- ie household oil-pressing industry to compete with them In tanning, the demand for crome tanned leather went up along with the increase in factory production of modern types of shoes The village producers were not in a position to cater to these new demands and the industry started declining fast The same is true competition with the rice mills Metal utensils rass and bell-metal utensils declined through retained its position to a certain extent because of the continueing demand for bidis. Hand-weaving retained much of its position but even here the introduction of power looms and the monopoly of yard manufacture by the mills

27 [illegible]

28 [illegible]

sector worsened the situation. This was partly off-set by the mills' growing emphasis on production of fine and super-fine cotton and synthetic textiles.

5.73 Though this trend of decline has been visible for a considerable period, data regarding women's participation in household industry is available only from the Census of 1961 and 71, which suffers from certain difficulties in comparability. Even after taking this into account, the decline in the number of women engaged in household industry from 4.6 million to 1.3 million during this decade presents a grim picture.

5.74 Apart from household industry, small-scale industries which are not in the organised sector, also provide some employment to women regarding which no reliable data is available. The industries in this group which generally employ a large number of women are leather tanning, bidi, rice and dal mills, coffee curing, cashew nut processing, coir, match, fire works, manufacture of Aggarbattis and paper products etc.

5.75 According to the Draft Fifth Five Year Plan, these industries which present a broad spectrum of varying levels of technology, scales of production and forms of organisation have an important role to play in the removal of poverty and the reduction in inequalities of wealth and development.[29]

5.76 The great difficulty in identifying different categories of this amorphous group is the variety in their pattern of organisation. Some of them, e.g. the bidi or the match industry, have some units in the organised sector, because the establishments are sufficiently large to come under the purview of the labour laws. Others evade this by various methods, e.g. by splitting up their establishments into small units, by recruiting their labour on a casual basis, by farming out work to be done by women at home, or by farming out to contractors. The net result of all these methods is that they escape scrutiny, for both enforcement of labour welfare and minimum wages, and collection of information on employment and workers.

5.77 While the Census of 1961 and 1971 give us some estimate of women in household industries, we regret to find that no clear estimate is available regarding the actual number of women engaged in the vast unorganised non-agricultural sector. Even the special studies conducted by the National Commission on Labour did not collect any specific information regarding the number or percentage of women workers in these industries and services. No doubt the recommendations of the Expert Committee on Unemployment Estimates, regarding more detailed collection of data on women workers,[30] if implemented, would provide more reliable data on this category of workers. In the absence of such information, we can only attempt a rough estimate of the number of women actually engaged in this sector.

5.78 Out of 31 million women returned as workers by the Census of 1971, if we exclude the 25 million in agriculture and the 2 million employed in the organised sector, the remaining 4 million, we may conclude, are employed in non-agricultural occupation in the unorganised sector.

5.79 The main problems faced by all employees in the various industries in this group are insecurity of employment, lack of standard minimum wages, excessive hours of work and absence of welfare amenities, most of which stem from their lack of organisation Particularly for women who work at home, in various industries these problems become still more acute, since they are more vulnerable to various forms of exploitation.

5.80 The Minimum Wages Act, 1948 attempted statutory regulation of wages and some control of working conditions of labour in these occupations. Minimum wages are formulated for certain scheduled employments in these industries from time to time. Though the Factories and Industrial Disputes Acts apply to many of these establishments, the National Commission on Labour's Survey of such industries revealed that the enforcement of labour laws in this sector is highly inadequate and working conditions are fare from satisfactory. The plight of the workers in these industries and occupations was noted in the Third Five Year Plan and the intention to formulate a separate code laying down minimum service and working conditions, with an official machinery to enforce the code, was announced at the meeting of Labour Ministers in 1962, which endorsed the Plan Statement. Some attempts have undoubtedly been made by the Government to regulate conditions in this sector since then, e.g. the Contract Labour (Regulations and Abolition) Act 1970, the Bidi

29. Draft Fifth Five Year Plan—Chapter-VI—page 160
30. Vide para 5.41

and Cigarette (Conditions of Employment) Act, 1966 and the various State Act conditions of employment in shops and commercial establishments

5 81 The success of all such attempts, however, depends on the existence of str organisations to compel the implementation of these statutory provisions Unf the lack of such organisations in this sector results in labour not having the bargaining power

5 82 In the specific industries and trades which employ a large number of women are characterised by their masssive illiteracy, hopeless dependence on interme obtain employment for them and ignorance of agencies or laws from which they co protection Organisation is doubtly difficult when the workers are scattered, frequently the case with women who do the work in their homes, or in small work Another difficulty in organising them is the short duration of most such employm the high rate of turnover of most workers The grinding level of poverty, and th which they frequently have to incur from these employers, just to meet the minimum co tion requirements of their families, also act as deterrents to any form of labour organ Under these conditions, the chances of any labour organisation seem very distant unl initiative is taken by some Committed and enlightened persons

5 83 In the absence of any systematic and comprehensive study of the conditions of w in this complex group of occupations, we can only indicate our findings as illustrative o situation A fuller investigation of the workers in these occupations including the sp problems that affect the women, the self employed and the wage paid is an imper necessity and calls for attention by Government, social research agencies and wel organisations

Wage Employment

5 84 One of the most significant group of wage labourers in this sector are those employ by contractors The practice of employing contract labour is prevalent in varying degre in both the public and private sectors The Labour Bureau has been studying the prevalen of contract labour in 19 industries during the last few years and has found that in iron an manganese mines the percentage of such labour was 73 9% and 65 8% respectively while i cotton ginning, rice mills, lime stone quarries, petroleum refineries, ports and iron and stee works their percentage ranged from 25% to 48% According to the National Commission on Labour, the employment of contract labour is most pronounced in the mining and construction industry The construction undertaken by the public works departments of the Government in 1957, employed 60% of their labour on contracts [31]

5 85 Under the Factories, Mines and Plantation Labour Acts contract labour employed within the premises of establishments covered by these Acts are entitled to the benefits of working conditions, hours of work and weekly rest admissible to the labour directly, em ployed, but they are not entitled to any leave with pay The Contract Labour (Regulation and Abolition) Act 1970[32] seeks to make the principal employer responsible for the provision of essential amenities and payment of wages The contractor will have to obtain a permit and deposit a security with the authorities and will have to pay wages at the same rate as those paid by the principal employer In case of default the principal employer is authorised to make payments and recover the cost from the contractor The provision of certain basic welfare amenities like drinking water, rest rooms canteens and first-aid are obligatory under the Act Health insurance benefits are available to contract labour under the Employees State Insurance Scheme in establishments covered by it but very few establishments extend this benefit to contract labour The evasion is either by not employing them directly or em ploying them for short periods at a time The Central Government is responsible for the enforcement of this Act in any industry or establishment carried on by or under the authority of the Central Government, any establishment of Railways, cantonment Boards major ports, mines, oil fields and banking and insurance companies The implementation of the Act has

31 Para 29 9 The definition of contract labour given by the NCL emphasizes three aspects—(a) such labour is not borne on the pay rolls of the employing agency—(b) they are not paid directly and (c) the employing agency does not own any direct responsibility in regard to their working conditions Sometimes they stipulate wage rates and working conditions but do not concern themselves regarding their enforcement

32 Applicable to every establishment in which 20 or more workers are or were employed in the preceding 12 months and where the work is not of an intermittent or casual nature It applies to a employing 20 or more workers.

been delayed because by 1973, 250 writ petitions had been filed in High Courts and 10 in the Supreme Court.[33]

5.86 *Construction Industry:*—As an illustration of women contract labourers we discuss their position in the construction industry. The number of women in this industry has declined from 2.9 lakhs in 1951 to 2.04 lakhs in 1971. The Government is the largest employer as public constructions—dams, bridges, roads and public buildings, make up the major share of expenditure in this industry. The Committee initiated two studies on women construction workers, one in Patna[34] (covering 3 major projects), and the other in Delhi[35] (covering 9 construction sites). The findings of these studies illustrate the conditions of women in this industry.[36]

5.87 Nature of work and methods of recruitment and wage-payment:- Women are employed mostly as unskilled labourers for carrying earth, mortar or bricks, crushing bricks and working hand-pumps. Recruitment is mostly done either directly by the contractor or the subcontractor (Jamadar). Wage payment is on daily or weekly basis. The Bihar study reported that the sub-contractors obtain a contract for the job on piece rate basis but pay their workers on daily basis, ensuring a higher margin of profit for themselves. Workers complain of short payment and unexplained deduction. The system of deferred wage payment and unjustified fines and deductions are reported in both the studies. The Bihar study reported that in the case of tribal women part of their wages are kept back to be paid at the time of termination of employment. The Delhi group reported that apart from fines, the Jamadar deducted 25-50 paise per day from their wages without giving any reasons. The existence of these intermediaries invariably depresses the wage rates. Women from all the three Bihar projects reported wage differentials between men and women. In Delhi such distinction has been abolished since 1961.

5.88 *Levels of Living:*—The household incomes of nearly 80% of the respondents in Delhi is between Rs.200 and Rs.300. The per capita monthly income is below Rs.75 for 45% and below Rs.50 for a little over 20%. For the Bihar group, the average household income ranges from 194.4 to Rs.334.45. Per capita monthly income ranges from Rs.38.88 to Rs.66.6. For all the families covered by these two studies, the earnings of the women constitute the major share of the families' income. The expenditure pattern reported by both the studies indicate that the major part of the income is spent on food and other essential items of daily need. 37% of the Delhi group and 37.7% of the Bihar group (58.7% among non-tribals and 10.3% among tribals) are in debt. The most important reasons for taking loans are sickness, to meet gaps in normal consumption and marriage expenses. These debts generally remain unpaid.[37]

5.89 *Socio-Demographic Characteristics:*—These women are mostly drawn from the rural poor (77.6% of the Bihar group and 86% of the Delhi group). The Delhi group consists of migrant labour from Rajasthan and out of 150 respondents 144 belong to the scheduled castes. 90% of the Bihar group belong to the scheduled castes and scheduled tribes from the Chhotanagpur region. Almost all the respondents reported poverty as their main reason for taking up construction work. One interesting feature reported in the Delhi study is that in 40% cases the decision was taken by the women while in 60% cases they were persuaded by their husbands and relatives. 78% of the Bihar and 80.76% of the Delhi group were young women below 35 as the nature of construction work makes heavy demands on physical strength. 40% of the Delhi respondents became employed before reaching their 15th year, and 40% had

---

33. As reported by the Ministry of Labour.

34. Conducted by the Department of Labour and Social Welfare, Patna University, under the supervision of Professor G.P. Sinha.

35. Conducted by the Delhi School of Social work, under the supervision of Professor S.N. Ranade.

36. The Committee had also received assurances from the State Governments of Kerala and Tamil Nadu of similar reports on women construction workers in major government Projects. No report was received from Tamil Nadu. The Government of Kerala sent a brief report which indicates that the majority of women on construction projects in Kerala come from nearby localities, including villages of Madura and Coimbatore. Their age ranges from 16 to 60. They are engaged in unskilled work including stone crushing. "Wage rates differ from place to place according to the bargaining capacity of the workers. Generally no difference exists in wages between men and women for work of equal nature." No housing facilities are provided. Sanitary and medical facilities are provided in some projects. "As far as possible the officers of the labour department look after the welfare of these workers. No separate agency is engaged for providing welfare need of this group."

37. We have received some evidence that these construction workers become and remain bonded to the contractors or sub-contractors through non-payment of debts, and have to report for duty whenever called. For some of them it means detachment from their normal agricultural occupations.

already worked for more than 7 years. At least 1/5th of them had held more than 4 jobs Of the Bihar group, 81% had begun their working life as wage labourers very early in their childhood Of the rest, 12 7% became wage labourers between the ages of 15-20 The age composition of the women shows that of the Bihar group 8 7% are below 15, 47 3% between 15-25, 28% are between 25-35 and 22% are over 35 Of the Delhi group 40% are between 15-25, 40 6% are between 25-35 and 19 3% are over 35

5 90 98% of all these women are illiterate Of the Delhi group more than 90% were married before the age of 15 and in 3/4th cases the marriage was consummated by their 15th year, As many as 43 33% were married before the age of 10 Of the Bihar group 12 9% were married before the age of 10,37 6% were married between 10-15 and 31 8% between 15-20 The majority of this last group are tribal women since the average age of marriages of the tribal group is 18 4 while that of the non-tribal women is 11 4 11 3% of the Bihar group are widows or deserted wives

5 91 23 37% of the Delhi group had continued working till the last day during pregnancy and 40 14% till the 8th or 9th month This indicates that the provisions of the Contract

born to these women 67 are dead, 29 of these died before reaching the age of 1 year A comparison of the tribal and non-tribal groups showed that the average number of births and deaths was nearly double amongst the non tribal women than amongst the tribals The Bihar study also reveals that the majority of the women continue to work even when they are ill rather than go without food for themselves and their dependents O the Delhi group 30 who had suffered from some illness lasting more than 1 week, had received treatment in government dispensaries and hospitals and 22 had been compelled to discontinue work for periods ranging from 4 days to 6 months They did not receive any wages during such absence The other 8 continued to work during illness

5 92 *Working Conditions and Access to Welfare* — Under the rules of the Central Public Works Department contractors are bound to provide fair wages and welfare services like creches, housing of specific standard and sanitary services Working hours, weekly day of rest, overtime rates, wage periods and rates of payment and the name of the inspecting officer are to be notified by the Department The inspecting officer is responsible for enforcement of these rules and has to investigate cases of complaint or disputes under the Industrial Dispute and Workmen's Compensation Act The Bihar Government has also made regulations for con-
ent of the labour force employed by the
regulations are more honoured in the breach
attempt to find out the reasons for the non-implementation of these regulations it is not difficult to form the observation that no serious attempt was made by the Government authorities to see that these regulations were enforced"[39] The Bihar study which covered only government projects reports that the period of actual work has found invariably exceeding the scheduled 48 hours week On particular days the period exceeded the maximum of 9 hours by 4 or 5 hours None of the women received pay for the weekly holidays Though overtime is common, payment for such work was "rare, primarily because of the ignorance of the workers and the absence of the law enforcing agency" No arrangement had been made for creches in any of
dents were carrying small children with them to work
Project it was a clear violation of Rule 11 of the W
living accommodation had been made by the employe
10 6%, materials for 'kuchcha' hutments had been provided by the employer At the northern site of the Ganga Bridge Project, however, temporary living accommodation with ancillary facilities (without lighting) had been provided to all the respondents

5 93 The Delhi study reports that "though in most cases women earned as much as their husbands they did not enjoy equality of st
said that they had a say in taking decisions
tion and marriage of children and selection
the decisions were taken by the husband or

38 Bihar Study op cit
39 Delhi Study op cit

5.94 *Bidi Industry* :—A large group of women in the unorganised sector are engaged in feeding the production of larger factories from their homes. Employers in bidi, matches, mica industries prefer to pay women less as workers feeding their unorganised and unregulated factories. The largest of these is the bidi industry and consists of factories, small workshops as well as home production. Wages are on piece rate basis. Working hours and bonus payments are unregulated. Women working at home are called 'Ghar Khatas'. This is a peculiar feature of the bidi industry and is prevalent over many parts of the country.

5.95 According to the Census of 1961, out of 9 lakhs bidi workers 5.5 lakhs belong to the household sector. The bidi and cigar industry, were employment of women exceeds men, (77.3% in Andhra Pradesh, 60.9% in Maharashtra, 47.5% in Rajasthan) is the worst of the sweated industries. A recent report on bidi workers in Sinar (Maharashtra)[40] observes that out of 10,000 bidi workers, 65% are women who generally work in their homes and are paid at the rate of Rs. 4/- per thousand bidis. The total labour time required for rolling thousand bidis ranges from 12 to 16 hours.

5.96 The Committee appointed by the Government of Andhra Pradesh in 1969 for revision of minimum wages in the tobacco manufacturing industry reported that the seasonal industry of tobacco leaf handling employs nearly a lakh of workers. The factories work from February to July for a period of 60 to 180 days. The majority of workers are women. The same is true of the bidi industry. The revised wages recommended by the Committee are :

	Categories of workers	Revised wage recommended
1. Tobacco leaf	Men (General including packers)	Rs. 4.05 per day
	Women workers	Rs. 115.30 per month
	(General, grading, stemming and scrap cleaning)	Rs. 3.60 per day Rs. 93.60 per month
2. Cigarette manufacture	Men	Rs. 5.05 per day Rs. 131.30 per month
	Women	Rs. 4. 60 per day Rs. 119.60 per month
3. Zarda Manufacture	Men	Rs. 4.10 per day Rs. 106.60 per month
	Women	Rs. 3.00 per day Rs. 78.00 per month

The Committee felt that the amount of work done by women workers cannot be regarded as of equal value and quantity hence higher rates were recommended for the men.

5.97 A small workshop in the house of a contractor visited by us in Kurnool (Andhra Pradesh) in 1973 was, however, paying at the rate of Rs. 2.50 per thousand bidis. The workers complained of frequent deductions in wages on various pretexts that the products did not come up to the required standard of quality. The workers consisted of families of men and women and small girls between the age of 5 and 15. The adults were engaged in rolling and tying the bidis while the children were mainly engaged in folding the tops of the bidi. One 12 years old girl mentioned that she had been doing this for as long as she could remember. All the workers looked undernourished. The children particularly were extremely small for their age. A few pregnant women said they had to work till the last day of their pregnancy. Working hours were from 6 A. M. to 6 P.M. During these hours a family of 4 managed to produce about 1 thousand bidis. The employer reported that young boys became restive and were therefore not found useful. The girls, however, were prepared to put in the necessary labour for 12 hours a day.

5.98 As an illustration of home production we found that in Madhya Pradesh the general practice is of distributing raw materials early in the morning to the women working in their homes, the finished products are collected in the evening. The bundles of leaves are handed over without any counting or checking of quality. The finished products are, however, carefully checked and counted, and deductions are made from wages, even for bad leaves

40. Economic and Political Weekly, June 15, 1974.

which had been supplied but could not be used There were also complaints that th
of leaves often do not contain the specified quantity for rolling the required numbe
The charge for such shortages has, however, to be borne by the worker We found
practice in Tamil Nadu and were informed that this is widely prevalent in other pa
country

5 99 The Bidi and Cigarette (Conditions of Employment) Act, 1966, which was up
the Supreme Court in January 1974, prescribes a working day of 9 hours and 48
a week

5 100 The Bidi and Cigarette (Conditions of Employment) Act 1966, provides for a we
period of 9 hours and 48 hours a week The workers are entitled to a paid weekly ho
and leave at the rate of 1 day for every 20 days work during the preceding year, wage
the leave period at rates equal to overall daily wages during the month immediately prece
the leave and 3 months maternity leave for women workers This Act which was challe
by some firms has been upheld by the Supreme Court in January 1974. Describing
3 categories of bidi workers, namely those employed as direct labourers, home work
"mostly women who manufacture bidis in their homes with the assistance of other memb
of their family, including children" and out workers, to whom material is supplied by t
proprietor himself without the agency of the middleman Chief Justice A N Ray observed

"Under these systems the contractor engages labourers less than the statutory number to escape the application of the Factory Act Sometimes there is no definite relationship of master and servant between the actual worker and the ultimate proprietor The proprietor will not be answerable for the wages of the out-workers because there is no privity of contract between them A large body of actual workers are illiterate women who could with impunity be exploi ted by the proprietors and contractors Women and infirm persons can earn something by rolling beedis The dependence of these people particularly the women shows that they have little bargaining power against powerful proprietors and contractors "[41]

The Court also held that the provisions of the Act including maternity benefits, one month's wages in lieu of notice, etc , also applied to the home workers [42]

5 101 Our investigation of women in this industry confirm that the degree of exploitation has been due to their lack of bargaining power We feel that the Supreme Court's decision regarding the applicability of the provisions of this Act including maternity benefits need to be enforced urgently but in order to do this effectively it is necessary to set up a special machinery

5 102 *Match Industry* —The pattern of organisation in this industry is exactly similar to the Bidi industry We visited a factory at Sivakasi (Tamil Nadu) which presented a picture similar to that described above We found children as young as five years and women working at home, while men work in the factory There are no trade unions, and no protec tion is available to these workers

5 103 *Chikan Industry* —This traditional industry, which had languished in the period before independence, revived as a result of efforts made by the Government of Uttar Pradesh after independence It is a fine art of embroidery done on a wide variety of products such as kurtas, shirts, table linens, handkerchiefs, saris etc [43] The annual value of output of chikan goods in 1972 was estimated at about 75 lakhs which was five times that of 1959 According to official sources the number of craftsmen had also increased five fold, from about 5,000 to about 25,000 in 1972.[44] According to the U P Handicrafts Board, however, he number of workers engaged in this craft today is about 45,000 and the annual value of heir output is around Rs 1 crore In the years since independence the taste for chikan em roidery has revived and goods like saris, kurtas, table linens are exported to Delhi, Bombay, alcutta as well as abroad Chikan work is now also done on new varieties of materials ce silk, voile, nylon etc In spite of this expansion, however, the lot of the workers has not

---

[41] M G Beedi Works vs Union of India—AIR 1974 SC 1832 p 1835

[42] Justice Alagiriswami however, held that the Maternity Benefits Act could not apply to home workers—ibid page 1856

[43] This Section is based on a study undertaken by the Giri Institute of Economic Development and Indus trial Relations Lu know covering 500 families and the Committee's own findings

[44] Dist Gazetteer 59 and Directorate of Industries, Kanpur, 1972

improved but has in fact become worse. Out of the estimated 45,000 workers engaged in this industry, 31,000 to 35,000 live and work within the precincts of Lucknow Municipal Corporation. 97% of them are women. The 3% men are largely engaged in processes incidental to the embroidery, such as cutting, printing, sewing, washing, folding etc. As in the case of bidi workers, the chikan workers also fall into 4 categories. 95.8% are contract workers, 3.6% belong to a mixed category of self-employed-cum-contract workers and only 0.5% direct employees. Only 0.1% can be described as fully self-employed. The contract workers work on piece-rate while the wage employees are either on time rate or on piece-rate. 70% are multi-process workers while the rest specialise in particular processes of chikan embroidery.

5.104 Since the workers are pre-dominantly Muslim women who observe purdah they have no direct links with the consumers. Work is obtained through intermediaries. 65.5% of the women covered by the study got work through contractors, 19.5% from wholesale traders, 1.17% through government agencies and only 0.27% obtained it directly from the consumers. 16.5% receive work through more than one agency. The study found that 46% of the contract workers and wage employees, 33% of the self-employed-cum-contract workers and 60% of the self-employed are suffering from under-employment. Only 7% of the workers receive full day's work, 7% get work for less than 4 hours a day. 55.58% of the contract workers, 62% of the self-employed-cum-contract workers and 80% of the self-employed workers reported that there had been no change in the availability of work. The rest complained of decrease in the availability of work.

5.105 *Levels of Living* : Majority of the workers live below the poverty line. 74% of the contract workers, 62.16% of the self-employed-cum-contract workers and all the wage employees earn less than Rs. 40 per head per month. The table below indicates the range of per capita income of these families :

TABLE XIV :

Classification of Workers' Families by Per Capita Monthly Income

Per capita income group	*Categories of Workers* CW	SECW	WE	SE	TOTAL
Less than Rs. 40	728 (73.84)	23 (62.16)	5 (100.0)	.	756 (73.47)
Rs. 40—60	150 (15.21)	6 (16.21)	.	1 (100.0)	157 (15.26)
Rs. 60—80	55 (5.58)	4 (10.81)	..		59 (5.73)
Rs. 80—100	24 (2.43)	3 (8.11)	..	..	27 (2.62)
More than 100	29 (2.94)	1 (2.71)	.	.	30 (2.92)
Total	986 (100.0)	37 (100.0)	5 (100.0)	1 (100.0)	1029 (100.0)

(Figures in brackets denote percentage).

The earnings are lowest for the wage employees and the highest for the self-employed. The average monthly earnings of the contract workers is less than Rs. 27, that of the wage employees less than Rs. 15, and that of the self-employed Rs. 200. The self-employed-cum-contract workers earned on an average around Rs. 60 per month. All the categories of workers, except the self-employed, reported decline in their incomes. The average contract worker could earn Rs. 34 in 1969 as against Rs. 26 in 1973. Both wage employees and self-employed-cum-contract workers experienced a decline of 30% in their incomes over the period. While it is generally estimated that these women only supplement the family income by this work, a large number of them whom the Committee met in Lucknow were widowed or deserted women who were supporting their families by their own earnings. A very large number of them have to wear glasses by the time they reach the age of 30 because of the strain that this work puts on their eyes. Many of them become incapable to continue with this work by the time they reach the age of 50, because of failing eyesight.

5.106 *Production and Marketing* : Since production and marketing are mostly in the hands of intermediaries who are traditional money lenders, this results in a high degree of exploita-

tion The study found that with a view to keeping their production costs down, wholesalers tap sources of cheap labour from rural areas The reduced emphasis on quality work depresses the wage rates The wholesalers' margin of profit ranges between 60% and 73% [illegible] ates paid to the workers by the wholesalers and government [illegible] Deductions are made from wages on various pretexts e g [illegible] craftsman-ship, damage to material etc This was reported by 64% of the contract workers, 78% of the self-employed-cum-contract workers and all the wage employees In all, 38% complained of deduction in wages and 38% reported disputes due to low wage rates The group of women whom the Committee met also complained of similar treatment even from co-operatives and sometimes from voluntary organisations formed for marketing these products In some cases the workers never received payment for goods lost by these agencies

5 107 The U P State Industries Department organised certain chikan centres in 1947 to provide regular employment and fair wages and to widen the market for these products Skilled workers were enlisted and were given technical supervision and guidance In 1964, [illegible] im of reviving [illegible] t Corporation [illegible]

"In the specific context of work organisation pattern of the craft which is characterised by the hold of indigenous moneylenders, wholesalers and multiple tiers of middlemen over the workmen, it should be obvious as to who could have been at the back of such an argument "[45]

5 108 Majority of the women fully realise their helplessness at the hands of the middle men. They would like to become self employed, but find it difficult because of their lack of capital, education and the inaccessibility of the market A large majority wanted reopening of the chikan centres by the Government 73% wanted the Government to help in the supply of raw materials, 45% wanted financial assistance and credit through the banks and 73% wanted the Government to make marketing arrangements Nearly 16% wanted fixation of minimum wages They were sceptical about co-operatives

5 109 It should be noted that crafts like chikan, Kamdani and zardosi were originally practised mainly by men This pattern still continues in zardosi work As wages and income from chikan work declined, this work has now become practically the monopoly of women A similar process has developed in the Kamdani industry also, where the condition of women workers is very similar to that of the chikan workers

5 110 *Tailoring and Ready made garments*.—This is a new industry, and little factual information is available regarding the details of employment The tailoring profession in India has always been practised by men, and still remains so *In the initial stages of wel-* fare activities among women, in the pre independence period, it was believed that knowledge of tailoring would make women better housewives For the same reason, home science training in schools also emphasised this training It was rarely practised by women for [illegible] hnics [illegible] nent, [illegible] and women rescued from prostitution as the most respectable method for rehabilitating them Craft training centres run by Government or voluntary agencies all over the country organised tailoring classes for women

5 111 There is no doubt that many women are now engaged in the manufacture of ready-made garments They are generally sold by welfare organisations or a few sympathetically disposed retail shops The income is low and insecure As an avenue of self-employment, tailoring has proved very difficult for women, because of their inability to command sure markets, and adequate capital for investment We were informed in several places that the sewing machines gifted by the Government had often been sold, because the women were unable to use them as a means of earning a livelihood

5 112 With the growing importance of the ready-made garments industry in recent years, however, some women are able to obtain wage-employment in this field. The reports that we have received point to low wages and exploitation of workers In the metropolitan cities

45 The study by the Giri Institute

like Delhi and Bombay a few women from upper middle class families are now entering this field as private entrepreneurs.

5.113 A study conducted by the Textile Labour Association, Ahmedabad, covering a thousand women who were occupied in sewing in their homes and were paid on a piece-rate basis, yields some information. About 65% of the respondents were daughters or wives of industrial workers. Most of them (60%) were young women, below 25, and 13% were even below 15. Majority of them were school-dropouts (76%) mainly due to economic reasons. *Employment Exchanges are of no help to such women in getting employment, 57% of them* had to rely on their own efforts to procure work. Mostly they get work from contractors or shop-keepers dealing with ready-made garments. Untrained women usually stitch ready-made garments after cutting is done by a professional man. Lack of skill and ignorance about availability of work results in exploitation of the highest degree. Wage rates are generally vary low and very widely. The majority (86%) were earning below Rs. 50/- per month.

5.114 *Sweepers and Scavengers* :—While Government and municipalities are the most regular employers of sweeper women, many industries employ women under contract system and they are employed in large numbers in private capacity as domestic workers. The local bodies maintain waiting lists of sweepers who work as substitute workers in temporary capacity as road sweepers, drain and latrine cleaners. The study group of the National Commission on Labour noted that there is a growing trend among municipal bodies to discourage the recruitment of women in view of the liabilities involved in their employment in the shape of maternity benefits and other conditions of work.[46] They are governed by the Minimum Wages Act. There is no uniformity in the wages of employees in different local bodies and complaints about irregular payment of wages, deductions and irregularity in disbursement of salaries also exist on a large scale. The hours of work also vary from one local body to another.

5.115 A study of women sweepers[47] in seven small towns in Punjab indicates that they are severely exploited by most of the local bodies. They are mostly given part-time jobs, without weekly rest, maternity leave or paid holidays, uniforms or house rent allowance. On an average they get a monthly wage of Rs. 80/-. While women sweepers constitute a substantial proportion of municipal workers, their wages and working conditions vary from one municipality to another. The study suggests enactmentments of a suitable legislation to regulate the conditions of work to bring them on par with men part-time sweepers. They suffer from social disabilities and their problems are further aggravated by poverty and illiteracy.

5.116 A study undertaken by the 1961 Census in two towns of Northern India found that scavengers and sweepers in private households were mainly women, since men from the families of the traditional sweeper castes have begun to take up jobs as labourers or as employees in the tertiary sector, specially in the urban areas. The study noted that male members of the families who have taken to other occupations continue to allow their women to work as scavengers.

5.117 Groups of women sweepers whom we met in Madhya Pradesh and Rajasthan also complained that local bodies discriminated against women by using them mostly as substitute, temporary or contract workers. Among the whole group of thirty in Madhya Pradesh, only four had become permanent.

A special problem that effects these women is that with the gradual introduction of modern sanitation in urban areas the demand for their services is on the decline. In our opinion, the plight of these women require close investigation and alternative avenues of employment. This is particularly important because being scheduled caste and illiterate their chances of finding such employment on their own are severely limited.

5.118 *Domestic Servants* :—Domestic service, for cooking, cleaning, sweeping, washing and looking after children is a major avenue for wage employment of women, particularly in the urban areas. Considering the large numbers in this occuption, it is unfortunate that no effort has so far been made to collect data on their numbers, wages and conditions of work. They are not protected by any law or regulations and even the modicum of protection that the Minimum Wages Act provides, is not applicable to this group. Though wages for such

46. N. C. L. Para 29.53 & 29.54
47. Dang, Satyapal, "Plight of Women Sweepers" Meinstream, V. C. L. 12, No. 50 — August 1974 pp. 20-24

...have increased to a certain extent in recent years, particularly in large citie... are still very low, considering the sharp rise in cost of living Service is insecure ar... possibilities of exploitation is high Full time workers may sometimes be provided accommodation and food, though the accommodation is generally inadequate The pa... however, is not uniform There are also no limits on their hours of work Part... workers generally get no accommodation or food, and their employment is subject to ... greater insecurity Their basic needs are hardly met by their meagre income In ord... bridge their consumption gap, it is common for these women to work for several fam... In total their working hours often exceed 12 hours a day

5 119 We met groups of these women in Calcutta, living in the slums Most of them w... sole supporting mothers, who could carry on their work in several houses only with the h... of young daughters The latter have to start this work from the time they are 8 9 ye... old Younger children are left by themselves near the homes In one slum we found th... the children were left tied to a tree Babies in arms are often carried to work Older boys a... sent to school, though lack of supervision does not always guarantee their attendanc... Malnutrition is high in such families and both adults and the children are exposed to all th... evils of slum living, lack of proper sanitation, pollution and congestion One teenager we... met was working in several houses to support an unemployed father, a sick mother and three younger children The normal income from one household ranges from Rs 20 - to Rs 40/- per month depending on the nature of the work The fortunate few who can obtain and maintain work in four or five households, may earn an average of Rs 150 to Rs 200 by working over 12 hours a day

5 120 One odd feature of this group in Calcutta is that many of them are wives of share croppers whose husbands stay behind in the village The normal pattern in other parts of the country, is for the family to remain in the village, while the man seeks work outside

5 121 A comprehensive investigation of this group of workers is an imperative necessity, with provision of at least the basic services for the protection and welfare of their children

5 122 *Women in Petty Trades* —Petty trades like food and food products, home crafts paper bags, agarbattis, making packets of incense or tobacco are all low productive occupations, returns from which are generally far below the level of subsistence Economic pressures are pushing rural women workers and women in urban slums to seek ways to earn a liveli hood A large group of widows in Varanasi whom we met were all engaged in such trades Their earnings averaged between Rs 15 and Rs 20 per month In Karnataka, we found earning 50 paise for 1,000 aggarbattis, when they work on the premises of the employer When such work was taken home, the earnings were 40 paise per thousand Employers justified this difference by blaming the workers for pilfering the material Since the material is weighed on both the occasions, namely before and after production this argument can only be described as an excuse for exploitation

"Among these women in petty trades crafts and personal services, the worst cases of poverty and malnutrition were to be found A large proportion of the persons occupied in low productivity occupations were women many of whom were the sole supporters of their families and lived in urban slums Nearly all such women were illiterate and without any vocational training As modern industries in most developing countries recruited mainly male workers these women were forced to support themselves and their families on work of such low productivity that malnutrition and high child mortality became a characteristic of such families "[48]

...123 *Casual Workers/Daily Wage Earners* —Daily wage earners are found in all types of ...nskilled jobs in both organised and unorganised sectors with varying degrees of protection, ...pending on the type of industry and nature of the task In mines plantations, construction ...ne quarries and seasonal industries employment of such labour is a common feature ...ile the casual workers directly employed by the larger establishments do come under the ...view of some labour enactments like wages and hours of work, the daily wage earners in ...rganised industr es do not get the benefit of even minimum wages and enjoy exceedingly ... protection

---

...Report of the Inter Regional Meeting of Experts on the Integration of Women in Development—UN Dec—ST/SOA—120 p 10

5.124 The casual workers are employed to fill vacancies of permanent workers and during occasional pressure of work. It is significant that the majority of women employed in mines are casual workers engaged in wagon loading or earth-removing operations whose employment is neither continuous nor regular. They are pressed into service to complete loading work within a stipulated period. The control and supervision exercised by the management is nominal. In the jute industry a large number of women work as 'budlis', or substitute workers. Such labour is continually employed to circumvent the provision of laws which confer certain benefits on permanent workers, or to deliberately restrict the scope for regular employment by causing artificial breaks in their service.[49] They are deprived of the maternity benefits because the Maternity Benefits Act stipulates employment for a continuous period (160 days for factories and mines and 150 days for plantations) for eligibility. They earned 150 days leave with wages and sickness benefits. The Factories Act limits such benefits only to workers who have completed 240 days of service, and the Mines Act to those who complete one calendar year of service. The National Commission on Labour noted that all such stipulations are an invitation to an employer to arbitrarily terminate the workers' service before they complete the prescribed period to deprive them of these benefits.

5.125 Very little is known about nomadic and daily wage labourers, load carriers carrying raw material to the markets and factories or those working in village industries. A significantly large number of such labourers are living below the poverty line. They are mostly concentrated in rural and backward areas and urban slums.

5.126 In the industrial city of Ahmedabad there are about 1000 women hand-cart pullers. A survey of these women in[50] 1973 revealed that 70% of them were in the age group of 20 to 40 years. Majority of them live in huts (71%) or in pakka cholis (14%), 12% of them were found to be living on foot paths and only 3% of them had rooms provided by the Housing Board, 93% of these women were illiterate. One woman had completed high school, which is exceptional. It is a family vocation as in 73% cases men were also cart pullers. In 16% cases, the husbands were engaged in small trades. Majority of the families are rural migrants from Rajasthan, Gujarat and Maharastra. 88% of the women work from 9 A.M. to 7 P.M. and 12% have no fixed time. 85% take their children along with them. Their average daily income is below Rs. 3 for 49%, between Rs. 4 and Rs. 8 for 40%, and Rs. 9 and above for 11%. Meagre income and large scale indebtedness are common. 40% of the women were casual labourers relying for work entirely upon the 'mukaddam', who claims a regular daily tax between Rs. 2 to Rs. 3.50.

Self-Employment :

5.127 In the period before the rise of modern markets and commercialisation of the economy, most traditional occupations open to women generally on the basis of their castes, could be described as self-employment. Spinning, weaving, fish curing, basket making, midwifery, barbering etc. can be mentioned as illustrations. Commercialisation, the rise of intermediate producers, who could organise both production and marketing on a large scale with the aid of capital, and the introduction of wage labour, gradually eliminated many of these avenues for employment of women. The recent increase in unemployment has led to a realisation of the need to promote self-employment in all areas,[51] and various programmes have been undertaken by the Government to promote self-employment, through training and credit assistance. Before discussing the possibilities for promoting more self-employment among women, we examine some of the existing occupations in which they find some opportunities.

5.128 *Weaving :—* According to the Census of 1961 the handloom/powerloom industry provided employment to about 1.4 million workers. It forms an important section of house-hold industries and handicrafts. The National Commission on Labour found a large proportion of workers in this industry to be family workers. The cooperative form of organisation which extends to areas of small enterprises is a more recent development. A third of the total number of handlooms is found in Andhra Pradesh and Tamil Nadu. This mainly rural industry does not require much capital and the technology has remained mostly

49. NCL para 29.25
50. The Economic Status of Hand-cart Pullers (women) in Ahmedabad. A paper presented to the Seminar on Unprotected and Unorganised Labour - M. S. University of Baroda. 28-4-73.
51. "In the context of the dimension that the problem of unemployment has assumed in the country and of the stupendous task involved in generating employment to match the requirements it becomes imperative to create conditions favourable for the growth of self-employment.... ."Report of the Committee on Unemployment - para 8.75

at the simple stage The introduction of power-looms in some areas, has however precipitated a lot of changes in the status and income of producers,[52] making a few wealthy and capable of setting themselves up as entrepreneurs, reducing others to the level of wage labour

5 129 In the less developed regions, particularly the north-eastern hill areas, weaving still remains the monopoly of women Traditionally this was only for home consumption, and not for commercial purposes Such weaving is still done, even by educated and urbanised women in Nagaland, Manipur and some parts of Assam Some attempt for commercial production has developed in recent years, and where this is definitely linked to a system of marketing, the women develop considerable economic independence

5 130 An excellent example of this is Manipur, where women's right to market their own products has been institutionalised for a considerable period The women's market in Imphal, where the sellers are all women, selling various items of dress, furnishing and food products, produced by themselves and others, is only a larger replica of similar markets in the interior of Manipur Ownership of a stall in the market is a prestigious occupation and till very recently, former Ranis of the State used to join other women in selling their goods in the women's market The stalls are passed on from generation to generation, from mother-in law to the daughter-in-law In the absence of the latter, or her reluctance to accept the responsibility, it is offered to a niece-in law on the husband s side, but not to the daughter Some of the stall keepers acquire the place by paying rent to the actual owners, who are fairly well to-do The tradition is so strong that an attempt by the Municipality to evict them provoked an organised protest from the women The Municipality was compelled to abandon the idea While the Imphal women, because of better market prospects both in the city and outside the State, earn more, rural women are at a disadvantage

5 131 We were informed that some women who could market their own products could earn an average income of about Rs 400/- per month from weaving When they worked for others, however, this came down to between Rs 50 and Rs 80 Women complained of the rising prices of yarn and demanded that the State Government should take over the yarn-trade, to prevent black-marketing The Government's efforts to market these handloom products outside the State has stimulated this industry, but the emergence of unscrupulous intermediaries between the producers, who are all women, and markets outside the State may affect the women's share of profits in the long run

5 132 The opposite of the Manipur situation exists in the silk-weaving industry in Banaras, another traditional occupation There the women only reel the silk and silver yarn, but cann [illegible] the craft for men and [illegible] are fully dependent on th [illegible] provide the initial capital to buy the yarn and often provide loans to meet the gap in minimum consumption The women have no control nor a separate share of earnings, since the marketing is done by the men A similar practice prevails in the silk-weaving industry in Kanjeevaram (Tamil Nadu) and Karnataka

5 133 The women weavers of Assam, because they cannot market their products directly, suffer from the exploitation of intermediaries on whom they have to depend for both supply of raw materials and marketing

5 134 *Retail Trade* —One of the traditional avenues of income for women was the retail trade, selling family products both agricultural and non-agricultural in daily or weekly markets They continue to do so, and the woman vendor selling vegetables, fish gram spices, utensils etc is a common sight in village markets as well as in urban areas throughout the country In big cities, it is a common practice for women to hawk vegetables and fruit in residential areas Many of them started with their own market gardens, but have now become dependent on buying the products from the wholesale market with a narrow margin of profits for themselves The increasing distance of the markets from the place of production, and the need for big investment in acquiring and transporting large quantities of products inevitably leads to the exclusion of the women from their original role in the retail trade In the coastal areas of Orissa, Goa and Tamil Nadu, the fish brought in by the men used to be sold by women Now only a handful of them are seen actually retailing the family's

52 The Power loom Enquiry Committee described it with "symbol of vast countrywide process of economic transition and techno-social change "

catch. The main catch is captured by contractors or Government fisheries agents and transported to the bigger markets.

5.135 Most retailing done by women in urban areas is now for a very narrow margin, between wholesale and retail prices. For women living close to the cities however, this is still an accepted avenue of income. Cities like Calcutta and Bombay receive a daily influx of hundreds of women vendors from nearby villages, selling a variety of food products.

5.136 *Food Processing :*—During the last decades, welfare workers and organisations, concerned by the economic hardship of women have made considerable efforts to develop self-employment in production of pickles, papads, and various other food products. These organisations, and some individuals are found in most towns, trying to market these products by informal methods, like house to house visit or through exhibitions and fairs. The main difficulty experienced by these women is in ensuring steady and profitable sale of their products. Their lack of capital prevents production on a scale sufficient to reduce costs, and their inability to market the products adequately makes returns from this occupation both meagre and uncertain.

5.137 We met several groups of women in Kerala, Bihar and other States who had started bottling pickles, jams and making variety of papads, dalmot, packets of ground spice, etc. Most of them regretted that their ventures generally face difficulties through shortage of capital and inability to market their products. We heard of several efforts which had collapsed from these difficulties. Even in urban areas these ventures face difficulties in marketing their products and are generally reduced to dependence on occasional sales and exhibitions and a limited regular clientele among friends and associates of the organisers. In villages the marketing difficulty becomes almost insurmountable.

5.138 A few of these ventures, when backed by a well-knit organisation have proved fairly successful in ensuring a modest income for the women. Amongst these we may mention the Jyoti Sangh in Ahmedabad, which we visited, the Bhagini Mandals in some towns in Maharashtra, and the All-Bengal Women's Union in Calcutta. The latter's success in sale of cooked food has enabled it to open a restaurant, for direct marketing of their products.

5.139 *Problems of self-employment :*—The approach to the Fifth Plan envisages expansion of self-employment in village and small industries, retail trade and services. The Committee's investigation has revealed that the most important constraints on women entrepreneurs are (a) non-availability of capital which is enhanced by the reluctance of credit institutions to advance loans for their ventures;[53] and (b) inadequate marketing arrangements.

5.140 Without the knowledge of modern marketing methods, forward linkages with potential markets in urban areas and resources as well as techniques for sales promotion, women's efforts at self-employment or entrepreneurship are bound to languish unless they are taken in hand by some organisations with credit resources as well as techniques to organise production and marketing. A successful example of this kind is the organisation of self-employed women who are being assisted by Ahmedabad Mazdoor Mahajan. The Committee on Unemployment has suggested that the Small Industries Corporations in different States should play an active role in the display and marketing of goods of small scale units. The other suggestions are setting up of trade centres and retail outlets at important places by organisations of small entrepreneurs.

5.141 According to the Ministry of Industrial Development, assistance in the way of credit and accommodation facilities have been given to some women entrepreneurs. Their number so far is negligible. In Delhi, the number of such self-employed women is as follows :—

Industry	Number of women
Electronics	2
Chemicals	11
Garment making	15

5.142 Illiteracy and lack of training opportunities in different aspects of production and marketing is the biggest handicap in the way of women assuming a larger role in this field.

53. Officials of the Andhra State Industries Department informed the Committee that banks were refusing to advance loans to women entrepreneurs even when their projects had received Government sanction.

...ions like basket-making, weaving or wood work it has ...ult for individual producers to market their goods We had, at an ...ggested to the Government the development of training-cum-production ce... scale-cottage type industries in both rural and urban areas for the production food, ready-made garments, soap and candles, home utencils, educational equip... leather goods and other products. Such centres need to be developed on the rational programme of assistance related to the resource and market potential of ... ment

5 143 We had particularly stressed that such centres should not be designed with ... middle class bias but should generate employment among women of low income ... both urban and rural areas, who have suffered most because of the emergence and ... of organised industry and modern complex marketing In our view, any progra... generating self-employment among women has to be based on an integrated net-... training, production and marketing The organisation of such a net-work would re... large number of educated women at all levels with information and knowledge ... changing pattern of demand for particular products and market mechanism This c... special attention from all agencies concerned with employment generation Unless s... attention is given to the particular problems of women, their existing handicaps, whic... enhanced by the prejudices of assisting agencies will keep them out of the beneficial effect... existing programmes for generation of self-employment

5 144 The Ministry of Industrial Development, in response to our suggestions had obser... that no women candidates had been sponsored by the Small Industries Developm... Organisations for training in better techniques of production While suggesting areas f... training and employment opportunities for women, both the Ministry of Industrial Develop... ment and the Ministry of Labour displayed an urban bias since their list consisted o... occupations like tailoring, embroidery, shorthand and typing, doll-making, pottery and novelty sales These occupations, in our opinion, can provide opportunities for self-employment to a very small minority, only in the metropolitan cities and will not meet the employment needs of the large mass of women both in small towns and in rural areas

5 145 It may be noted that the Report of the Inter-Regional Meeting of Experts on the Integration of Women in Development of the United Nations has also emphasised 'the need to train women in all aspects of carrying on trade and small scale industry with particular reference to management, marketing, etc" The Report also higlighted the problem of lack of access to credit and loan facilities suffered by most women in developing countries

III—Women in the Organised Sector :

5 146 The organised sector in the Indian economy comprises of —(a) all public sector establishments, i e all services under the Central, State and Local Governments and occupations in Public undertakings in the field of industry, credit financing public utilities etc and (b) non agricultural private sector establishments which employ 10 or more persons This definition is important for two reasons The Directorate General of Employment and Training, Ministry of Labour, collects detailed data regarding employment from all establishments in the organised sector, and hence data regarding this sector is much more detailed than the unorganised sector Secondly, this sector is governed by certain laws and regulations ...elating to industries, services and other occupations These provide a framework of ...equirements, procedures and conditions which ensure a degree of legal protection to workers ... these establishments

...47 While the size of the organised sector has been growing steadily over the last few ...ades, the proportion of women employed in this sector formed only 6% of the total ...men workers in the country in 1971, 2.7% being in industry and 3 3% in the tertiary ...or The changing trends in women's participation in this sector is indicated in Table—

In terms of absolute numbers, women's employment in this sector has increased from ...millions in 1962 to 2 14 millions in 1973, i e and increase of 56 2% The increase in ...tal employment during the same period was by 49 6% While the increase in the ...r of women has been generally somewhat faster than the total increase (with occasional

...ggestions made for the Fifth Five year Plan in June 1973

This definition of the organised sector has been adopted by the Directorate General of Employment & Training Ministry of Labour, Government of India

fluctuations in the growth rate) their proportion in the total employment has remained practically constant at 11% during this decade.

TABLE—XV **Employment of Women in Organised Sector**

Period		Total (figures in lakhs)	Women	% of columns
(1)		(2)	(3)	(3) to (2)
March	1962	125.8 (+4.0)	13.7	10.8
"	1963	134.1 (+6.5)	14.9 (+8.7)	11.1
"	1964	142.3 (+6.1)	15.2 (+2.0)	10.6
"	1965	150.0 (+5.4)	16.8 (+10.5)	11.2
"	1966	154.6 (+3.1)	17.4 (+3.5)	11.2
"	1969	166.3 (+7.5)	18.5 (+0.9)	11.1
"	1970	170.4 (+2.4)	18.9 (+2.2)	11.1
"	1971	174.9 (+2.6)	19.2 (+1.5)	10.9
"	1972	179.8 (+2.2)	20.2 (+5.2)	11.2
"	1973	188.2 (+4.6)	21.4 (+5.6)	11.3

Note : Figures in parentheses indicate growth rate.
Source : D. G. E. & T.

5.148 It should be noted that while services under Government had been governed by detailed regulations for a long time, the regulation of employmnet in the private sector began relatively later. Prior to independance, employment in the Government of public sector consisted mainly in the services and the number of women in these was negligible. The Constitution of independent India, however, guaranteed equality of opportunity and non-discrimination on grounds of sex. This changed the situation radically and enabled women to seek employment in the public sector.

5.149 The impact of this has influenced the role and opportunities for participation of women in the organised sector considerably. The proportion of women workers in public and private emyloyment has been changing over the years as the Table below will indicate :—

TABLE—XVI **Distribution of Women Employees in Public and Private Sectors**

(Figures in lakhs)

Year	Total	Public	Private
1962	13.7	4.8 (35%)	8.9 (65%)
1963	14.9	5.5 (37%)	9.4 (63%)
1964	15.2	5.8 (38.2%)	9.4 (61.8%)
1965	16.8	6.4 (38.1%)	10.4 (61.9%)
1966	17.4	7.2 (41.4%)	10.3 (58.6%)
1967	18.2	7.2 (39.6%)	11.00 (60.4%)
1968	18.3	7.5 (40.7%)	10.8 (59.3%)
1969	18.4	7.7 (41.8%)	10.7 (58.2%)
1970	18.9	8.1 (42.8%)	10.8 (57.2%)
1971	19.3	8.6 (44.6%)	10.7 (55.4%)
1972	20.3	9.2 (45.3%)	11.1 (54.7%)
1973	21.4	10.1 (47.2%)	11.3 (52.8%)

Source : D. G. E. & T.
Note : Figures in parantheses indicate percentage of the total employees.

5 150 While the number of women employed in the public sector increased by 110 4% between 1962 and 1973, the increase in the private sector has been only 26 9% The proportion of women in the public sector has thus gone up from 35% to 47 2% of the total number of women employed in the organised sector The share of the private sector has, however gone down from 65% to 52 8% of the total This indicates the growing importance of the public sector in the employment of women The relatively slower increase of women's employment in the private sector, is however, a cause of some concern, and merits closer examination

5 151 Table XVII indicates that the State Governments and local bodies provide bulk of the employment of women in the public sector Next in importance are quasi-government organisations This group consists of public undertakings in the sphere of industry, finance and public utilities, and various specialised agencies established by Government for development and research It should be noted that the emergence of this group in the public sector is mostly a post-independence development Considering that, the substantial number of women employed in these bodies, and the rapid increase in their numbers during recent years is a significant trend A substantial share of these bodies is in industry, where the general trend in women's employment, which we discuss later, is rather adverse The position in the Central Government also does not appear to be very satisfactory

TABLE XVII

Women Employees in the Organised Sector etc 1971 to 1973 covered by the Employment Market Information Programme of the D G E & T

Branch of the public sector	No of women employees at the end of March			Percentage change		
	1971	1972*	1973*	1971/70	1972/71	1973/72
Central Government	81 6	78 5	84 7	7 1	4 0	7 9
State Government	352 1	376 8	422 8	7 2	5 3	12 2
Quasi Government	84 4	104 4	135 7	12 9	23 5	30 1
Local Bodies	344 2	358 8	362 0	2 9	3 9	1 1
Total public sector	862 3	917 9	1005 2	5 9	5 6	9 5
Private sector	1067 5	1105 3	1129 7	—1 3	3 5	2 2
GRAND TOTAL	1929 8	2023 2	2134 9	1 8	4 4	5 5

* [illegible] public sector and [illegible] to 24 workers [illegible] ammu & Kashmir

Percenta[illegible] figures from 1972

Source D G E & T

5 152 While ratio of women to men employees in the public sector has shown a steady increase it still remains below 10 per hundred men In the private sector, where the ratio was much higher in the previous period, it has registered a decline during the years 1967-71 There is a slight improvement since 1972, but the ratio still remains below the '62 position While total employment in private sector has been fluctuating during this period the women's share has declined or remained constant In the public sector, the steady increase in total employment is reflected in the employment of women, though the ratio has not improved appreciably The overall share of women s employment in this sector, in relation to men, presents poor picture

5 153 For purposes of detailed analylsis we have divided the organised sector into two parts according to the differences in the nature of the regulations and occupational requirements

(a) Industry, and
(b) Services and Professions

A. Industry

5 154 The first four Five Year Plans as well as the Industrial Policy Resolution (1956) of the Government of India emphasised the need to accelerate the rate of economic growth by speeding up industrialisation 'Employment was not considered an objective in itself it

TABLE XVIII

Trends in employment in Public & Private Sectors

SEXWISE (Figures in lakhs)

Year	Public Sector Total	Males	Females	No. of females per 100 males	Private Sector Total	Males	Females	No. of females per 100 males
1962	74.2 (59%)	69.4	4.8	6.9	51.6 (41%)	42.7	8.9	20.8
1963	79.5 (59.3%)	74.0	5.5	7.4	54.6 (40.7%)	45.2	9.4	20.8
1964	84.5 (59.4%)	78.7	5.8	7.3	57.8 (40.6%)	48.4	9.4	19.8
1965	89.6 (59.7%)	83.2	6.4	7.6	60.4 (40.3%)	50.0	10.4	20.8
1966	93.6 (60.5%)	86.4	7.2	8.3	61.0 (39.5%)	50.7	10.3	20.3
1967	96.3 (59.1%)	89.1	7.2	8.1	66.8 (40.9%)	55.8	11.0	19.7
1968	98.0 (60.0%)	90.5	7.5	8.2	65.3 (39.3%)	54.5	10.8	19.8
1969	100.9 (60.7%)	93.2	7.7	8.2	65.3 (39.3%)	54.6	10.7	19.6
1970	103.5 (60.7%)	95.4	8.1	8.4	66.9 (39.3%)	56.1	10.8	19.2
1971	107.1 (61.4%)	98.5	8.6	8.7	67.4 (38.6%)	56.7	10.7	18.8
1972	112.1 (62.3%)	103.0	9.1	8.8	67.7 (37.7%)	56.6	11.1	19.6
1973	122.7 (65.1%)	112.6	10.1	8.9	65.9 (34.9%)	54.6	11.3	20.6

NOTE : Figures in parentheses indicate of total employees.
Source : D. G. E. & T.

was expected that the expansion of the industrial base would provide direct as well as indirect employment opportunities through the expansion of all sectors of economy."[1]

5.155 The three main sources of employment in organised industry are factories, mines and plantations. The following tables indicate the position of women in these three groups. In the factories group (Table XIX), the number of women employed rose steadily upto 1964, since when it has been declining with minor fluctuations. While total employment in factories has been generally increasing, though the rate of increase has slowed down in recent years, the number of women has not recovered the position of 1964, though it has fluctuated considerably between 1965 and 1971.

5.156 The percentage of women to total employees, however, presents a very unhappy trend. Between 1951 and 1971 the women's share of total employment in factories declined from 11.43% to 9.1%, i. e. a decline of 20.37%.

5.157 Table XX indicates the trend of women's employment in the mining industry. The total employment of women in mines has declined from 1.09 lakhs to .75 lakhs whereas total employment in mines has increased from 5.49 lakhs to 6.30 lakhs. The women's share of employment in mines has declined from 21.1% to 11.9%, i. e. a decline of 47.4%. The heaviest decline has been in coal mines—from .55 lakhs to .20 lakhs. While total employment in coal mines increased from 3.52 lakhs to 3.82 lakhs, the decline in the women's share is by 66.8%. In iron ore total employment increased from .20 lakhs to .52 lakhs. The number of women has increased from .07 lakhs to .12 lakhs. Their relative share of employment in iron ore mines has, however, declined by 36.2%. In mica both total employment as well as

1. Report of the Committee on Unemployment—1973 para 8.

TABLE XIX

Employment of women in factories

Year	*Total Employees (1000)*	*No of women employees (1000)*	[% of total employment — heading cut off]
1951	25,365 0	290 0	11 4
1955	2,690 4	295 1	10 9
1958	3,102 2	343 9	11 08
1960	3,367 8	367 3	10 91
1961	3,497 0	372 3	10 65
1962	3,648 6	394 1	10 80
1963	3 860 0	400 4	10 37
1964	4,024 0	409 1	10 16
1965	4,118 0	394 5	9 57
1966	4,069 0	364 7	9 96
1967	4,071 0	394.6	9 5
1968	4 067 0	346 1	9 0
1969	4,137 0	382 0	9 0
1970	4 264 0	394 0	9 0
1971	4,285 0	392 5	9 1

Source Indian Labour Statistics and National Commission on Labour Report

TABLE XX

Employment of women in mines

(Figures in thousands)

Mines		1951	1956	1961	1966	1968	1969	1970	1971
Coal	T	352 0	352 4	411 3	425 5	395 4	396 4	391 5	382 2
	W	55 2	46 0	38 1	30 7	24 7	23 0	21 5	20 1
		(15 7)	(13 0)	(17 0)	(7 2)	(6 2)	(5 8)	(5 5)	(5 2)
Iron Ore	T	20 2	37 3	54 5	60 3	52 2	48 6	51 8	52 8
	W	7 7	10 7	15 3	15 7	13 0	11 4	12 4	12 9
		(38 2)	(28 8)	(28 8)	(25 9)	(24 9)	(23 4)	(23 9)	(24 4)
Mica	T	52 2	34 0	29 6	19 8	16 9	16 0	13 9	12 1
	W	7 2	2 7	2 4	1 2	1 7	1 5	1 3	1 1
		(13 8)	(7 8)	(8 1)	(6 1)	(10 1)	(9 4)	(9 3)	(9 1)
Manganese	T	55 5	110 0	46 9	47 0	37 2	31 0	29 3	30 4
	W	24 4	44 3	17 7	19 1	15 0	12 3	11 6	12 2
		(43 9)	(40 3)	(37 7)	(40 6)	(40 3)	(39 6)	(39 6)	(40 1)
Others	T	69 1	94 9	128 7	146 7	142 6	146 5	151 7	153 0
	W	15 1	22 0	32 8	33 9	29 9	29 9	30 4	28 9
		(21 8)	(22 1)	(25 5)	(22 9)	(20 9)	(20 3)	(20 0)	(18 8)
Total	T	549 0	628 6	671 0	699 3	644 3	638 5	638 2	630 7
	W	169 6	125 8	106 3	100 7	84 3	78 0	77 2	75 2
		(20 1)	(20 0)	(15 8)	(14 4)	(13 1)	(12 2)	(12 1)	(11 9)

T = Total average daily employment
W = Women s employment

Source Indian Labour Statistics

men's employment has registered a steady and sharp decline The women's share, however
declined still faster by 34% In the manganese mines though the number of women has
ved during these 20 years their relative share has not changed so much—declining from
% to 40 1% i e by 8 65% In all other mines total employment has increased from 69
s to 1 53 lakhs The number of women increased from 15 lakhs to 33 lakhs in 1966 but
een declining since then Their relative share has changed from 21 8% to 18 8%—a
ase of over 13 7%

5.158 It is unfortunate that no official agency maintains comprehensive data for plantations from which a trend analysis of employment over the years could be made for the industry as a whole. Data is maintained for separate regions and separate products. Table XXI and XXII present the trend of employment in the three major plantation industries. In coffee, the number of women workers in the total labour force increased from 40.4%in 1951 to 45.3% in 1961 and has declined to 44% in 1970. The number of women workers in coffee plantation in 1970 was 1.64 lakhs. In Rubber plantations their number increased from 22.1% in 1951 to 35% in 1970. The total number of women in that year was 8.9 lakhs.

TABLE XXI

Percentage of women workers to total labour force in coffee and rubber plantations

Year	Coffee	Rubber
1951	40.4	22.1
1956	42.9	24.5
1960	38.6	22.1
1961	45.3	21.4
1970	44.0	35.0
	(1,64,000)	(99,000)

Source : Women in employment p: 15-
For 1970 D. G. E. & T.

5.159 Among all plantations tea require the maximum amount of female labour. In the tea estates in Assam which account for the major share of production of tea, the number of women workers increased from 2.55% lakhs in 1954 to 2.70 lakhs in 1952, their share of total employment increasing from 46.1% to 49.2% during the same years. In tea estates in South India women workers represented 47.2% of the total labour force in 1951 and 49% in 1961.

5.160 Table XXII indicates the position of women in the tea industry as a whole in 1961 and 1970. In absolute numbers, there is an increase from 3.68 lakhs to 3.76 lakhs. Their percentage has increased from 44% to 47%. During the same years total employment in these plantations has declined from 8.22 lakhs to 7.6 lakhs. Plantations thus represent the only sector where women's employment has remained practically constant. The reason lies in the labour intensive nature of this industry and the accepted special aptitude of women for particular jobs like plucking. The other two sectors persent a grim picture of declining numbers and proportions.

TABLE XXII

(a) Women workers in tea plantations

Year	*Assam*			*Year*	*South India*
	Total	*Women*	*%age*		*Percentage*
1954	553,000	255,000	46.1	1951	47.2
1959	571,000	274,000	48.	1956	49.9
1963	551,000	271,000	49.2	1959	49.4
				1961	49.1

Source : Women in Employment

(b) All India

	Total	*Women*	*Percentage*
1961	822,000	368,000	44.7
1970	756,000	376,000	47.0

Source: Tea Board, Statistical Division.

5.161 The trend towards decline or stagnation in the number and Proportion of women employed in industries is generally attributed to the following cases :

(i) Impact of labour laws that aim to protect health and welfare of women workers :
(ii) Impact of policies aiming at equalisation of wages between men and women; and
(iii) Structural changes in industry through rationalisation and modernisation which leads to a general decline in employment.

5 162 The beginning of legislative attempt to regulate relations between employers and labou[r] in private industries began in the 19th century, but these attempts have been described as not true 'labour legislation' but at best 'legislation expressive of a foreign Government's concern with the maintenance of order and security'[2] The main objective of these laws was to restrict labourers from leaving their jobs, by imposing penal consequences for breaches of contract

5 163 The use of sweated and cheap Indian labour in factories, a large proportion of whom consisted of women and children, posed serious threats to the competitive production costs of the British textile industry, and under their pressure, the Factories Act of 1881 and 1891 placed limitations on employment and working hours of women and children The Act of 1911 limited working day in textile factories to 12 hours

5 164 A change of direction in the policy of regulating and improving employment and working conditions in industry began with the movement for organisation of labour which received an impetus and support with the establishment of the International Labour Organisation in 1919 The 1920's saw the enactment of a series of labour laws, namely the Indian Factories Act 1922, the Indian Mines Act 1923, the Indian Worksmen Compensation Act 1923, the Indian Trade Union Act 1926 and the Trade Dispute Act 1929

5 165 The world wide publicity given to labour conditions by the ILO in different countries provided a forum for discussing labour problems and aroused a degree of awareness regarding labour questions in the country The Royal Commission on Labour (Whitley Commission) appointed in 1929 to examine the problems of workers in factories, plantations and other places recommended a number of measures which led to the enactment of further laws Until, 1946, the Whitley Commission's recommendations provided the framework of most labour legislations Out of 24 labour enactments passed by the Central and Provincial legislatures during the years 1932-37, 19 were based on the Commission's suggestions These recommendations had taken into consideration the various Conventions of the ILO in this regard

166 With the emergence of provincial autonomy, the popular Ministries which came into ower in 1937 undertook a series of labour legislation Attempts to consolidate and co-rdinate these scattered efforts had to be undertaken by the Central Government Immediately ior to Independence, the Interim National Government drew up a 17-point Five Year ogramme for Labour. The Principles underlying this programme were incorporated in Constitution under the Directive Principles of State Policy.

67 When labour legislation began in India, women constituted a sizeable proportion of kers in industry. Jute, textiles, mines plantations were the predominant industries in modern sector, and each of them employed a substantial number of women The con-ns of women workers, therefore, called for special attention The I L O 's special ern for protection of women workers, indicated in its various Conventions, was sup-d by Indian labour representatives, and were reflected in the Indian labour laws

The Directive Principles of State Policy of the Indian Constitution provide for special tion of women workers through Articles 39[3] and 42[4] Article 15 (3) gives the necessary tion for such special provisions for women and children within the framework of mental Rights[5] Article 46, which directs the State to promote with special care the onal and economic interests of the weaker sections of the people' is also regarded as tive to improve employment opportunities and conditions of women workers'

n line with these directives, special clauses in various labour laws provide for the on and welfare of women workers in factories, mines, plantations and shops, and rial establishments These protections mainly extend to the following areas

---

rs, C A *Industrial Relations in India*, 1958 p 24

State shall in particular direct its policy towards securing that the health and strength of wor-men and women and the tender age of children are not abused and that the citizens are not d by economic necessity to enter avocations unsuited to their age and strength '(Article 39 (d))

State shall make provision for securing just and humane conditions of work and for maternity (Article 42)

ing in this article shall prevent the State from making any special provision for women and n (Article 15 (3))

(a) *Regulating of Employment in Dangerous Occupations/Operations* :—The Factories Act 1948 prohibited women's employment in any part of a factory in which a cotton opener is at work. They are not allowed to clean, lubricate or adjust heavy machinery while it is in motion. They are not allowed to handle excessively heavy weights. Both the Factories and the Mines Act 1952, authorise the appropriate Government to fix the maximum load that can be lifted, carried or moved by women. The State Governments may also prohibit or restrict women's employment in any other operation which exposes them to a serious risk of bodily injury or disease. The Mines Act prohibits employment of women underground. The Central Government is authorised 'to prohibit, restrict or regulate the employment of women in any class of mines or particular kinds of labour which are accompanied by danger to the life, safety or health of women workers'.

(b) *Prohibition of Night Work* :—The Factories Act, the Plantations Labour Act 1951, the Mines Act and the Bidi and Cigar Workers (Conditions of Employment) Act 1966 prohibit employment of women between 7 p. m. and 6. a. m. In the case of mines and factories, the Central and the State governments respectively are authorised to relax this restriction upto 10 p. m. In the case of fish canning and fish-curing factories, the state governments are empowered to permit the employment of women during night for a period not exceeding three years at a time, if it is considered essential to prevent any damage to raw material. In plantations also they can be employed during the prohibited period with permission from the state governments. However, in both the cases, the hours of work should not exceed the prescribed period.[6]

(c) *Maternity Relief* :—"By far the most valued and singnificant of the protective measures relating to women workers are those dealing with maternity leave and the payment of maternity benefits. The clauses providing for the grant of maternity leave and the payment of cash benefits are included in all the above mentioned Acts as well as in the separate laws in the States[7]." In order to bring uniformity in scope, qualifying conditions and rates of benefits, the Maternity Benefit Act 1961, was passed which applies to factories, mines and plantations except those factories or establishments which are covered by the Employees State Insurance scheme. With the enforcement of this Act the earlier Acts stand revoked.

(d) *Welfare* :—

(i) Creches are to be provided under the relevant Acts for use of children of the working mothers in factories/plantations/industrial premises manufacturing bidis and cigars—employing more than 50 women workers. In the case of mines creches are to be provided even if a single woman is employed.

(ii) Separate latrines and urinals are to be provided under the relevant laws for women in every factory/mine/plantation.

5.170 It should be noted that the laws for maternity protection and prohibition of night and underground work are in line with the ILO Conventions No. 103, 89 and 45 which were ratified by the Government of India.

5.171 The National Commission on Labour had observed that legal prohibition of night and underground work and employment in hazardous occupations have obviously restricted women's employment. Employers mentioned to the Committee that the ban on night work has proved to be an obstacle to employment of women since the introduction of the multiple shift system in some organised industry, since the impossibility of rotating women between different shifts gives rise to some resentment among male workers.

5.172 There are two distinct points of view in this regard. A few persons whom we met, viz. employers, experts and the representatives of the INTUC[8] were of the view that this provision was unduly restrictive. They feel that the permission to extend the period upto 10 p. m. should be available to all industries. This would enable their employment on two shifts, and remove the present excuse for retrenching them whenever a multiple shift system was introduced.

---

6. Women in Employment—Labour Bureau, page 25.
7. Ibid—p. 26
8. Convenor INTUC Women's wing who is also a member of Rashtriya Mill Mazdoor Sangh and the organising Secretary of the Colliery Mazdoor Sangh.

...other point of view, expressed by other trade union representatives and labour official and experts was against the removal of the restriction. In their opinion the employers' plea was only an excuse, since operations in which women are engaged, particularly in the textile industry are performed during the day.

5.174 In pursuance of a decision of the Industrial Committee on Jute in 1958, a Tripartite Committee set up in West Bengal to study the decline of women in employment, observed that limitation on the load that could be carried by women was the main reason for this decline. The jute industry which was one of the largest employers of women has been most affected by this measure. According to the present rule, women can lift a maximum weight of 65 lbs. whereas jute rolls weigh 80 to 100 lbs. The total number of labour employed by jute mills in 1944 was 2,89,000 out of which 38,957 were women, roughly constituting almost 14% of the total labour force. In 1952 i.e. 4 years after the passing of the Factories Act, the total employees in the jute industry numbered 2,92,000 out of which 32,900 (11.2%) were women. By 1962 the total employees in this industry numbered 2 lakhs of which only 9,400 were women (3.9%). In 1972 there were only 6,642 women left in the whole jute industry and these are being gradually eliminated through a process of natural wastage. One jute mill in Andhra Pradesh visited by the Committee had over 500 women workers as late as 1960. In 1973 we found only 74 enaged in hand sewing, most of whom were elderly women. Their services were being retained because they were pemanent workers. In another mill in West Bengal the management was clearly opposed to any further recruitment of women and observed that their services could only be utilised in sweeping, baling and hand sewing.

5.175 Coal mines employ the largest number of women. In the past they were engaged in both underground and surface work. In 1919 women formed 38.1% of the colliery labour force and for every 10 men employed underground there were 7 women for the same job. In 1929 Government of India ordered a gradual reduction in the number of women working underground. A total ban was promulgated in 1939. The number of women consequently dropped to 11.4%. The ban was lifted during the Second World War because of the need to increase production, but was reimposed in 1946. While this ban eliminated underground women workers, the subsequent decline of women in the coal mines is the result of introduction of new methods of surface screening and coal handling. In 1947 women constituted about 21% of the colliery labour force. By 1951 this had come down to 16%. It declined further to 9.3% in 1961 and 5.5% in 1970.

5.176 Apart from these provisions that aim to protect the health of women workers, the general welfare provisions regarding sanitation and health services, canteens, social insurance etc. apply to all workers. The specific welfare measures for women in organised industry are maternity benefits and provision of creches in establishments employing 50 or more women except in mines where the provisions are obligatory irrespective of the number of women workers.

5.177 The theory that provision of maternity benefits has proved to be a deterrent to women's employment cannot be substantiated as the total expenditure on maternity benefits under the Maternity Benefits Act between 1961 and 1970 is negligible. For factories this expenditure declined from 8.2 lakhs in 1961 to 5.4 lakhs in 1969, for plantations from 62 lakhs to 55.3 lakhs, but for mines the amount increased from 5.8 lakhs to 16.2 lakhs. In areas covered by the Employees State Insurance maternity benefits no longer represent a burden on employers. During 1969-70, the ESI paid out a total of 61 lakhs on this head. The following tables indicate that as compared to the number benefited by the ESI, only a small number of women employees received this benefit, under the Maternity Benefits Act. The average amount of maternity benefits ranges from Rs. 46 to 117, since it is calculated on the basis of the daily wage, which is low for the large majority of women workers.[9]

As for the other welfare provisions e.g. creches and sanitary facilities, the expenditure involved is negligible and this cannot explain the declining trend in women's employment in organising industry. Many employers still do not provide separate toilets or rest rooms. Where they do exist, the arrangements are inadequate, without proper service and maintenance. Creches are very often only a room without proper arrangements.

---

[9] Vimal Ranadive—Women Workers and the Trade Unions—Centre of Indian Trade Unions' Conference, Cochin. 18th to 22nd April 1973.

TABLE XXIII

Maternity Benefit Paid under Maternity Benefit Act

Year	Average No. of women employed	No. of women who claimed maternity benefit	No. of women who were paid maternity benefit	Total amount paid (Rs in lakhs)
Factories				
1961	309,904	12,584	11,489	8.29
1964	358,675	18.705	14,347	11.77
1967	277,615	6.573	6,132	7.07
1970*	262,290	5.502	4.931	7.27
1971**	112.165	1,995	1,931	4.46
Plantations				
1961	302,650	74.300	70,114	62.07
1964	319.703	64.855	63,650	74.70
1967	281,687	37.724	35,337	6.60
1970	260,814	39,496	38.337	48.45
1971**	301.855	43.952	43.346	598.63
Mines				
1961	66.250	7.299	7,462	5.88
1964	43.400	7.609	7.326	14.20
1967	41,800	6,748	6,648	14.89
1970	30,424	4,444	4,420	14.01
1971**	2,631	487	495	2.47

* Including some cases pending from previous year(s)

* Incomplete Excluding Chandigarh.

** Incomplete Excludes Bihar, Gujarat, Maharashtra, Mysore, Rajasthan, Tamil Nadu, Goa, Chandigarh, Manipur and Mines other than coal. Besides in Factories the figures are also exclusive of Assam.

Source : Indian Labour Statistics, 1973 Labour Bureau.

TABLE XXIV

Progress of ESI Scheme As on March

	1952	1956	1961	1966	1967	1968	1972	1973
States	2	8	14	15	16	16	18	18
Centre	2	31	120	259	273	300	318	339
Insured Women	NA	NA	1,20,750	2,13,650	2,30,750	2.51,900	2,59,650	2,75,000
Total Beneficiaries	1,20,000	12,90,000	38,93,000	1,21,42,650	1,30,16,600	1.37,62,550	1,67,14,550	1,75,31,700

5.179 The general view that these measures have made women workers more costly for the employers is not borne out by facts. A study conducted by the I.L.O (India branch) also refuted the theory. The National Commission on Labour noted that "benefits or no benefits, where women are more useful they continue to be employed. Plantations is an instance in point[10]."

2. Wages

5.180 It is often claimed that equalisation of wages leads to retrenchment of women workers who are usually employed because of their cheapness. The National Commission on Labour offers standardisation of wages as one of the reasons for the retrenchment of workers in the textile industry. Official agencies admit however, that, "it has not been possible to make

10. Para 27.17

assessment of the extent to which the equal pay principle has reall
displacement of women workers[11].

5 181 An often quoted example is the Mazumdar Award of 1954 for Wes
Industry which equalised wages for men and women workers The Survey o
tions in Coal Mining Industry in 1966 agreed that this award may also be
factor', to the reduction in the number of women in coal mines According
findings however, the decline in the number of women workers in the coal in
well before the Mazumdar Award In 1944 'out of every four workers in t
one was a woman However, since then there has been a steady decline in th
women workers in the industry[12]', This makes it clear that the declining trend
employment in the coal mines could not have been precipitated by the equalisatio
since the rate of decline did not increase after the award

5 182 In our view, these types of conclusions which ignore previous trends in
industries, and the influence of other factors are not only unscientific but also indicat
to arrest the movement towards equalisation of wages In reality the principle of equ
has not been seriously applied in most industries and cannot be regarded as a con
factory to the decline of women's employment in any industry The present wage s
in most industries, indicate that in spite of the attempts to bring about equalisation o
between men and women, most industries continue to maintain the pattern of different
indirect methods The two Occupational Wage Surveys conducted in 1958 59 and 196
reported differences in the minimum, maximum and average earnings of men and wom
most industries As a result of the differences the Survey found the average daily earnin
men to be higher than those of women in all the industries except fine chemicals, whether
were in the manufacturing, mining or plantation sectors In a few industries viz jute
silk textile, textile machinery, cigarette industry and tea plantations earnings of men
women were quite close to each other but in the remaining industry the differences were qu
substantial " The survey reported that the principle of equalisation is evaded by individu
establishments by not employing both men and women for the same jobs

5 183 It will be observed that differences in wage rates between men and women were presen
in both minimum and maximum rates for most occupations in different industries There
are, however, a few instances where the gaps have narrowed considerably or even become
favourable to women at the level of minimum rates (Jute-residual occupations Wool darners,
Electrical machinery-industries, examiners grade II, Machine Tools machinists Grade I)
Even in such cases the maximum rates for women are lower, leading to lower average earn-
ings The difference in wage rates of unskilled labourers or mazdoors and semi skilled
worker like packers, loaders, unloaders, etc, support our view that prejudices, rather than
skill or productivity differentials determine wage-differences between the sexes In the
plantations, the margin of difference is much smaller than in the factories and there are
cases where the average earnings of women exceed that of men These are, however, excep
tions The other significant trend is in the case of electrical and engineering industry where
women are found in a few operations of highly skilled type

5 184 The Committee's investigations confirm the continuation of these differentials in wages
and daily earnings between men and women in the same industry We cannot altogether
support the findings of the Second Occupational Wage Survey that such differences do not
exist within the same establishments We have found such differentials among men and
women pluckers in the same plantation In one garden in North Bengal the daily wage for
a man plucker is Rs 3 15 and that for a woman only Rs 3 00 The plantation management
explained this by slight difference in the required minimum output Since we also found
that the majority of the women were qualifying for the incentive scheme by giving a higher
output than the fixed minimum we failed to appreciate the reasons for continuing this
discrepancy Since the plantation industry, being highly female intensive, is the one which
can ill afford to dispense with the services of women, it seems to us that this unnecessary
differential in minimum output and wages has been maintained purely out of deference to
social prejudice We found similar differentials in other plantations

Women in Employment — Labour Bureau Ministry of Labour and Employment—Government of India 1964—p 30

Report on Survey of Labour Conditions in Coal Mining Industry in India, Ministry of Labour Employment and Rehabilitation, Government of India 1966—p 10 Vide para 2.2

1947—71

betw

TABLE XXV

Average daily wage rates for Men and Women in Selected Occupations

Industry	*Minimum*		*Maximum*		*Average daily earnings*	
	Men	*Women*	*Men*	*Women*	*Men*	*Women*
I	*II*		*III*		*IV*	
A. Cotton Textiles :—						
Head jobber	9.08	6.18	28.41	6.18	15.13	6.67
Jobber	6.60	5.11	9.59	5.39	7.97	3.30
Weaver	5.10	1.84	6.32	1.84	7.59	1.50
Drawing Tenter	5.15	4.86	5.65	5.25	5.35	4.44
Residual occupations	4.54	3.96	9.33	5.38	6.34	4.51
All occupations	4.93	4.36	7.01	5.06	6.06	4.76
B. Jute Textiles :—						
Warp winder	3.17	3.08	4.17	4.60	4.77	3.97
Softner feeder	3.05	2.91	3.05	2.91	3.67	2.60
Mazdoor	3.05	2.85	3.08	2.88	3.15	2.89
Residual occupations	3.04	3.05	5.78	3.05	3.79	3.08
All occupations	3.17	3.17	4.47	4.09	3.79	3.61
C. Silk Textiles :—						
Healed & Reed repairer	3.81	4.15	4.33	4.15	4.24	3.36
Warper	4.31	2.62	5.08	2.62	4.88	2.94
Asstt. Warper	3.42	1.01	3.75	1.01	3.61	1.00
Cut looker	4.38	3.84	4.55	4.11	4.51	4.00
Stentering machineman	3.96	2.39	4.71	3.46	4.33	3.04
Mazdoor	3.78	2.72	4.15	3.05	3.75	2.99
Weavers	4.08	2.08	6.69	2.95	5.42	2.50
Creel boy	3.60	1.59	3.73	1.63	3.76	1.60
Picker	1.20	1.08	1.75	1.11	2.82	1.11
Silk examiner	2.89	2.03	3.55	2.14	3.22	2.08
Cooker	2.87	1.87	2.87	1.93	4.07	1.90
Sorter	1.81	1.96	2.48	1.97	2.10	1.96
Doubler	2.09	1.28	2.48	1.38	2.31	1.62
Residual occupations	3.65	2.59	7.08	3.33	4.63	2.92
All occupations	3.90	2.11	5.87	2.34	4.84	2.38
D. Woollen Textiles :—						
Darner	4.71	4.87	6.07	5.89	5.76	5.12
Mazdoor	4.25	1.19	4.86	1.43	4.45	1.25
Bobbin setter	3.98	1.01	4.59	1.01	4.12	1.00
Weaver/handloom	3.97	2.45	8.09	3.20	5.56	2.75
Reeler	4.07	3.32	5.25	3.63	4.41	3.65
Mule minder	4.51	0.98	5.47	0.98	4.74	1.00
Residual occupations	4.37	2.92	9.95	4.30	5.15	3.41
All occupations	4.30	4.03	6.70	5.21	4.89	4.37
E. Metal Extracting and Refining :—						
Mazdoor	3.12	2.73	3.69	3.04	4.66	3.76
F. Rough Casting & Forging :—						
Moulder and core maker	2.61	1.62	7.75	2.37	4.82	1.86
Mazdoor	2.35	1.55	3.25	1.88	3.02	1.63
G. Bolts & Nuts Manufacturing :—						
Sharper	2.89	1.50	6.28	1.50	9.12	1.50
Packer	2.54	1.65	3.67	2.40	2.87	1.75
Mazdoor	2.70	2.22	2.88	2.22	4.24	2.10
Hand machine operator	2.81	2.26	4.45	2.26	5.46	2.00
H. Machine Tools :—						
Machinist grade I	5.22	5.93	9.69	5.93	6.00	5.00

I	II		III		IV
	Men	Women	Men	Women	Men
I Electrical Machinery Appliances —					
Meter mechanic grade II	8 96	4 55	15 88	5.72	14 32
Mistry	6 28	6 75	11 52	10 11	10 29
Examiner grade I	5 34	4 35	7 41	5 31	6 99
Examiner grade II	4 79	5 31	7 47	5 65	7 94
Coil winder grade I	3 92	3 45	11 29	4 86	6 70
Coil winder grade II	3 58	2 94	5 32	3 65	9 20
Machine operator	4 46	3 36	8 03	5 47	8 32
Packer	4 01	2 18	5 62	2 18	6 20
Assembler	3 84	3 41	6 88	4 90	6 96
Residual occupations	3 39	2 33	8 53	5 06	9 78
All occupations	3 99	2 95	6 71	4 28	6 54
J. Paper & Paper Products —					
Finisher	4 85	3 30	7 31	3 92	6 71
Unskilled helper	2 71	1 48	3 18	1 69	3 18
Digestor operator	3 46	1 43	4 42	1 68	4 45
K Glass —					
Cutter	2 60	1 07	4 60	1 15	3 39
Finished wheel grinding	2 04	1 41	2 93	1 83	2 68
L Petroleum Refining —					
General workmen	5 07	4 69	6 37	5 88	6 27
M. Tea Plantations :—					
Plucker	2 16	1 31	2 30	1 67	2 39
Labourers	1 55	1 38	4 67	2 41	2 17
Supervisor	2 48	2 26	3 59	3 22	3 09
N Coffee Plantations —					
Maistry/Kangani	1 97	1 77	2 23	1 77	2 10
Labourer	1 66	1 26	1 73	1 30	1 53
O Rubber Plantations :—					
Field worker	1 89	1 42	1 90	1 42	1 98
Tapper	1 42	1 24	2 07	1 87	2 22
P. Manganese Mines :—					
Ore washing operator	2 11	1 46	3 65	2 59	2 50
Mate	2 48	0 98	3 29	0 98	2 63
Loader unloader	2 03	1 43	2 27	3 28	2 29
Miner	1 50	1 28	3 21	2 81	2 81
Q. Mica :—					
Dhani	1 76	1 00	1 85	1 00	1 72

5 185 The other, indirect way for evading this principle is by classifying certain jc
earmarked for women and keep ... obs According to the S
...elected occupations is ur
...nployment and the princ
limited number of occup

5 186 It may be observed that in most of the older industries, the majority of the occu
employing women are mostly of an unskilled and semi skilled nature This enables em
to keep their wages at levels lower than the male workers The other trend noticed i
industries is that while male workers may graduate from unskilled to semi skilled an
the latter to the level of skilled jobs, sometimes even to jobs at supervisory levels, the
workers, by and large, tend to remain at the level where they are recruited According
Directorate General of Employment and Training, the occupational pattern of wom
ployees indicates their concentration at the level of unskilled workers In the private

TABLE XXVI

Number of Occupations Employing Women in Selected Industries
Industry Occupations in which women constitute 5% or more of total employees

	Total number of occupations selected	*Number in which women form 5% of employees*	*Names of Occupations in column 3*
1	2	3	4
A. Manufacturing :			
Cotton Textile	28	4	Winder, Sweeper, Winder (cray), Reeler
Jute Textile	37	6	Work winder, braker feeder, hand-sewer, Reving feeder, Softener receiver, sweeper
Woollen Textile	26	6	Darner/Cloth Mender, Picker, Bobin Seeter, winder, reeler, residual occupations
Metal extracting and refining.	30	1	Reza/Mazdoor
Manufacture of Machine tools	27	1	Packer
Manufacture of electrical machinery and appliances	31	6	Examiner (Mechanical) Grade I and II, Coil Winder Grade I & II, Apprentice, Assembler.
Fine Chemicals	38	10	Helpers, machine/plant operators and attendants, Muccadam.
B. Plantations :			
Tea	7	2	Labourers (field worker, mazdoor/pruner / beldar/ plucker etc.) residual occupations.
Coffee	7	2	Regular labourer, casual labourer
Rubber	6	3	Tapper, field worker, residual occupations.
C. Mines :			
Coal	26	5	Sweeper, general mazdoor (earth cutter, stone cutter, crushing mazdoor) shale picking mazdoor, loader/ unloader, miner.
Iron ore	31	4	Reza/mazdoor, sweeper, skip loader, miner.
Mica	20		Surface mazdoor, Reza residual occupations.
Manganese	28	12	Ore washing operator, excavator, loader/unloader, mazdoor, digger, sweeper, carrier, open cast miner, sorter, scrooner and cleaner, dresser, miner.

Source : Second Occupational Wage Survey (1963—1965)

in the public sector 20 4% of them are unskilled workers, case of men In both public and private sectors there is a orkers

5 187 A study initiated by the Committee in 1973 74 covering a sample of 200 undertakings in the public and private sectors reveals the concentration of women at the lower levels of the production process

5 188 Table XXVII indicates that among the industries covered by the study in the private rkers In textiles light of women workers workers in textiles and heavy engineering Only in textiles and engineering do we find a significant number of women at the skilled level Only one of the industries in the private sector has provided any opportunity for women at the supervisory level

5 189 Even the newer industries like engineering, electronics and pharmaceuticals which are increasingly employing educated women as skilled workers tend to limit their participation to a few processes where the job involves dexterity of fingers or is repetitive and monotonous in nature In the pharmaceutical industry in which women are said to have found 'a comfortable place', semi skilled jobs like bottling labelling and packing are done by women, though a few are employed as analysts and chemists[14]

5 190 Table XXVII (b) indicates that the situation is a little better in the public sector where a few women are found at the supervisory level in the engineering, electricals, telecommunication and other industries with a large number of them in the mining industry In the mining tele communication, simple engineering and electronics industries particularly, the distribution of women workers at all the levels of the production process indicates a very healthy trend It would appear, therefore, that the public sector is over throwing the existing prejudices against appointment of women in higher levels of the production process at a faster rate than the private sector

5 191 The division of the labour market into a male and a female sector very often tends to control the distribution of women workers within the economy and restricts opportunities for employment, training and promotions within the industry In a television manufacturing unit at Kanpur we found the entire assembly shop manned by women The majority were matriculates but four had graduated from the polytechnic Their promotions to the supervisory level as 'testers' had been conceded by the management only when they threatened to resign In Hindustan Machine Tools at Bangalore certain operations are virtual monopolies of women because the jobs require both dexterity and patience We were told by the management that the women had to be recruited before the age of twenty, as they cannot acquire the skill at a later age In aptitude tests applied before recruitment, women had been found to fare better for these operations This is one of the rare cases where we found that some scientific assessment of the relative productivity of the two sexes for a particular job had been undertaken In the majority of concerns which we visited no such job appraisal had been made and restriction of women to particular types of jobs and their exclusion from the higher levels of the production process was merely based on prejudice and continuity of a traditional situation

5 192 The causes for this restriction and what may be termed as feminisation of particular occupations lie in the—(a) pre les which tend to regard women as unfit for most occ and in some cases, of male workers to appointment (c) denial of on the job training opportunities in higher skills, ignorance of most women regarding jobs outside the conventional classifications Absence of any clear policy or criteria by which jobs may be classified as suitable or unsuitable for women helps to perpetuate this restrictive tendency In our opinion, the prejudice is higher among employers who use the resistance of men workers as a device to justify their own biases Since men workers do not object to women supervisors in the services we do not feel that it would be impossible to get a similar situation accepted

13 Occupational Pattern of Women Employees in India Part I 1967 D G E & T Ministry of Labour Employment and Rehabilitation Data available for private sector is for 1967 while that for the public sector is for 1968

14 Panakal S—Women Workers in Pharmaceutical Industry proceedings of a seminar on Women in Industry' Delhi—July 1968

TABLE XXVII (a)

Women Employees According to Different Categories at Production Level in (Private Sector)

Serial No. Name of Undertaking	No. of units inclu-ded	Total women employed	Female emp. at production level and per-centage to total emp. women	Supervisory	(1) Skill	(2) (3) Semi-skilled	(4) Unskilled
1. Textiles	14	2267	1925 (84.91)	— —	370 (19.22)	1154 (59.95)	401 (20.83)
2. Light Electricals	1	1414	1186 (83.88)	—	13 (1.10)	1161 (97.89)	12 (1.01)
3. Electronics	8	1344	1130 (84.08)	—	95 (8.41)	980 (86.73)	55 (4.86)
4. *Engineering*							
a) Heavy	15	575	426 (74.09)	—	17 (3.99)	290 (63.08)	119 (27.93)
b) Light	2	17	12 (70.59)	—	6 (50.00)	6 (50.00)	
5. Cement	2	103	85 (82.53)	1 (1.18)	3 (3.53)	—	81 (95.29)
6. Mining	1	661	649 (98.18)	—	5 (0.77)	1 (0.15)	643 (99.08)
7. Metallurgy	1	34	23 (67.65)				23 (100.0)

TABLE XXVII (b)

Women Employees at Production Level in Public Sector

Category of Industry	No. of Units	Total women employees	Women em-ployees at production level	(1) Supervisory	(2) Skilled	(3) Semi-skilled	(4) Unskilled
Engineering :							
(a) Heavy	6	904	383 (42.37)	—	—	—	383 (100.0)
(b) Light	7	614	348 (56.68)	1 (0.29)	17 (4.89)	260 (74.71)	70 (20.11)
(c) Simple	22	1547	630 (40.72)	26 (4.13)	438 (69.52)	85 (13.49)	81 (12.86)
Electricals:							
(a) Light	2	117	68 (58.12)	—	66 (97.06)	1 (1.47)	1 (1.47)
(b) Electronics	1	2750	2393 (87.02)	69 (2.88)	2309 (96.49)	3 (0.13)	12 (0.5)
(c) Heavy	7	1164	371 (31.87)	1 (0.27)	38 (10.24)	89 (23.99)	243 (65.5)
Chemicals:							
(a) Fertiliser	15	739	298 (40.32)	—	—	298 (100)	—
(b) Plastics	4	248	204 (82.26)	1 (0.49)	9 (4.41)	14 (6.86)	180 (88.24)
Mining	5	33,978	16588 (48.82)	3452 (20.8)	4994 (30.11)	6258 (37.73)	1884 (11.36)
Telecommunication	1	597	222 (37.19)	10 (4.50)	112 (50.45)	53 (23.87)	47 (21.18)
Miscellaneous	7	899	85 (9.45)	3 (3.53)	45 (50.94)	1 (1.18)	36 (42.35)

Note: Figures in Parenthesis denote percentage of total of women employees.
Source: Data Collected by the Committee.

women have started appearing in supervisory capa

There is no doubt that wage discrimination is re inforced by the feminisatio cular jobs, generally at lower unskilled levels of the production process, with lo wages Employers confess that men would not do the the same jobs at the exist rates In areas where men have to be employed for the same jobs, they are usually a higher category, in order to maintain the wage differential

5 194 The I LO convention on Equal Remunerations permits wage differential grounds of differences in productivity and in the nature of the jobs performed by m women In our opinion, this is being misused to justify wage differentials and restr women to limited occupations In answer to our specific questions in this regard, employers conceded that women, being more disciplined and conscientious, are more pro tive than men They take less time off during work and being more conscious of their ponsibility for feeding the family work harder to increase their earnings In spite of s concessions we regret to find that differentials and lower wage rates for women continue to justified on the theory of lower productivity of women In the absence of any scientific j appraisal system this theory cannot be accepted Nor can we accept the tendency to restri women to limited occupations or placing workers on the same jobs in different categories order to maintain women's wages at a lower level

5 195 It may be noted that the I L O has emphasised the need to pay greater attention to wage fixing procedures in industries and in areas of employment largely reserved for women In our opinion, unless this trend of relegating women to limited fields and levels of employment is arrested the principle of equalisation of wages and opportunities for employment will remain inoperative

3 Structural Changes in Industry through Rationalisation and Modernisation

5 196 The single most important factor contributing towards this declining trend in women's employment in industry lies in the fact that the extent of employment in factories of which a substantial proportion is constituted by large scale industry is largely determined by the relative degree of capital intensity and the choice of technology These represent part of the general structural changes taking place in our economy 'Technological changes in some of the urban occupations, like industry, trade, commerce and in public offices not only reduce the rate of absorption of new labour but also involve the displacement of some labour, thereby increasing the number of the unemployed '[15]

5 197 Both the National Commission on Labour and the Committee on Unemployment pointed out that a policy of heavier investment in more capital intensive industries and echnology has an adverse effect on employment and utilisation of labour[16]

198 The initial adverse impact of more sophisticated technology in industry on the employ- ent of women has been a global trend When modern industry first started in India, the ocess of production included several stages of manual and semi manual operations such as ling waste picking, winding and sizing in cotton and silk industries, batching preparing p winding and hand sewing in jute, liming in leather tanning, etc With increasing mechani- n some of these processes became obsolete The introduction of high speed machinery in the ng section of textile manufacturing reduced the number of workers to one fourth or one- f the original number The introduction of automatic machinery in silk industry and itching over to production of synthetic materials the supply of processed yarn in 'cone' of hanks' or cakes decreased the demand for female labour who were engaged in the manual processes

There is a standard argument that women workers tend to stick to a single operation ot want to learn new processes Out of about 200 operations in the textile industry, e employed only in four or five The fundamental assumption underlying this that women have limited aptitudes and are not capable of developing higher skills r machine operations This is not borne out by any empirical evidence We have vidence of a large number of mechanical operations where women are playing their

---

port of the Committee on Unemployment—para 211

—Chapter VIII National Commission on Labour—Chapter 18

full role. Some of the new industries like electronics, tele-communication, light electricals etc. have found women capable of handling machines and prepared to acquire the skills needed for some of the sophisticated mechanised jobs.

5.200 The so-called incapacity or lack of aptitude of women spring from lack of training. We have found ample evidence that in many industries women are not given any chance to acquire training when a new process or machine is introduced. In the case of men there is generally an agreement between the trade unions and the management that training would be provided to prevent their being declared as surplus. It is remarkable that the need to train women workers in a similar manner is generally overlooked by both management and the unions. The main impact of modernisation and new technology thus falls on the women who become dispensable. Senior executives of important industries admit practicing a policy of 'replacing women by men or machines'

5.201 Apart from the absence of training within industry, women are handicapped by lack of pre-recruitment training, particularly of the technical variety. Vocational and technical training for women is a new development and the number of women with such training is still small. The majority of the women being displaced from employment as a result of technological changes are the illiterate and semi-literate workers. Illiteracy still constitutes the biggest barrier for learning new trades, particularly those involving sophisticated methods of production.

5.202 The efforts made by the Ministry of Labour to spread education among industrial workers through the Workers Education Programme have so far tended to ignore the needs of women. The success of this programme depends on a number of trained and competent 'worker-teachers' who are given the training in the first phase. We understand that among the workers sent for this training from industries in Bombay, the first batch of two women were admitted only in 1974.[17]

5.203 There is a strong belief that workers in the lower income groups and women in particular are still very much under the influence of the traditional pattern of family and caste occupations. "Tradition governed jobs to a great extent and often because of this mechanical form of working, training and apprenticeship courses are held unnecessary." This is often offered as an explanation for the reluctance of women to change their occupations or to acquire new skills. The refusal of some women to change their modes of dress and ornaments in the interest of safety in factories is cited as an example of their tradition-bound attitudes.

5.204 These arguments were perhaps applicable in earlier years when factory workers were first generation migrants from the rural areas with little exposure to urban influences. In the last three decades, however, the situation has changed rapidly. The industrial workers of today is very much exposed to the rapid processes of social change that are more visible in the urban areas. Modes of dress and living are changing rapidly. Rising levels of aspirations and the increased exposure to mass media, particularly films have affected the attitudes of industrial workers and their families greatly. In a rubber factory at Poona we met semi-skilled women workers, whose mode of dress and attitude for coming to work was not different from those of white collared workers.

5.205 In our opinion, the main obstacles to women adjusting themselves to the new methods of production are illiteracy and absence of training opportunities. The argument regarding their reluctance to learn new skills or change their ways according to job requirements represents the legacy of a period that has passed away. New industries like electronics and pharmaceuticals which have found women's productivity to be higher than that of men have not experienced any difficulty in giving them the necessary training.

5.206 The technological changes and the preference for higher investment in capital intensive technology have contributed largely to the rising level of general un-employment in the country. The increasing number of unemployed men have better access to employment information as they are relatively more literate and educated and do not suffer from the same degree of restricted mobility as the women. A large number of women who need work are

17. This information was given to us by some trade union representatives. We failed to obtain information regarding the number of women so far trained as teachers in this programme.

18. Sen ,Gupta Padmini—'Working Women's Traditions and Customs and their Repercussions on Productivity.'

d by their ignorance job opportunities The National Employment Service provide assistance in employment information and placement has not penetrated urban areas and has proved itself to be totally inadequate in meeting the needs of wor seekers Many women are still ignorant of the existence of employment exchanges Even few who register themselves with the exchanges, the assistance provided has been neglig

5 207 The causes of decline of the number and proportion of women in industry the lie primarily in their displacement from the old industries like textile jute and mi decline which has not been off set by the increase in women s employment in a few new i tries The major share of industrial development in the post independence period has to the heavy industries which are capital intensive Their failure to generate adequate emp ment opportunities has affected both men and women but women have suffered more beca of their lack of competitiveness and bargaining power which are directly linked to their ill racy and lower social status The solution of the problems that affect women workers organised industry will require special attention and consideration from Governmen employers and trade unions

B SERVICES AND PROFESSIONS

5 208 Unlike the situation in non agricultural occupations and organised industry the services and professions have provided greater opportunities to women in the post indepen dence period Earlier, both in the public and private sectors women s participation was practically confined to health and education though the Second World War period ushered in a small but significant entry of women into clerical and secretarial occupations Other services and professions were the monopolies of the urban educated middle class whose views about women s employment were extremely restrictive

5 209 While the range of jobs open to educated women has widened in both public and private sector, as has already been discussed in the preceding sections the demand for unskilled women labour is shrinking

5 210 The immediate factors responsible for the emergence of women in non traditional fields of employment in the post independence period are —

(a) the Constitutional guarantee of non discrimination and equality of opportunity in matter of employment ,

(b) development of women s education and their entry into areas of education and employment hitherto monopolised by men ,

(c) an increasing tendency among the urban educated women to take up paid employ ment which reflected gradual ideological change in social values as well as the growing economic pressure on urban middle class families ,

(d) expansion of employment opportunities in the tertiary sector as a direct conse quence of the increasing rate of development

211 (a) The constitutional guarantee of equality of opportunity and non discrimination grounds of sex' in employment and office under the State and the specific directive to mote with special care the educational and economic interests of the weaker sections of people had a direct bearing on the employment aspirations of middle class women The basis on women s equality that emerged during the last phase of the freedom movement nfluenced the attitudes of educated middle class women in a most marked manner The diate expression of this in the period after independence could be found in three s (i) in higher education (ii) the employment market particularly for jobs requiring education and (iii) in politics Women began to enter the competition for services the Government from the very beginning and the success of a few in these most ous occupations which had hitherto been the monopoly of men inspired others and hem to shake off their traditional inhibitions and lack of confidence By this they set on the attitudinal change of society particularly of men in Government agencies to miliar presence in these occupations

The rapid expansion of women s education that characterised the post indepen od both contributed to and gained further momentum from this process Hitherto ducation had been seen more as a measure for promoting social justice and family he possibility of employment under Government provided the stimulus that ucation had lacked so far, particularly in the field of higher education The

demand for increasing opportunities led to increase in the number of institutions, while the demand for equality broke down the resistance of academic authorities, and opened to women training in engineering and other applied and vocational sciences which had been monopolies of men till then.

5.213 (c) Apart from education the most important force behind this increasing entry of a new class of women, in the field of wage employment, is sometimes described as 'emancipation born out of necessity'. "With a few exceptions in the higher strata of society, the majority of women take to work for economic reasons."[19]

5.214 This has been confirmed by several studies[20] on women's motivation for employment among the urban middle classes. An increasing number of these women now have to support their families, both before and after marriage. Rising prices and levels of unemployment, added to the increasing costs of education and housing, and absence of social security, have increased the degree of economic pressures on the major section of this class. At the same time, for at least an important segment of this group, aspirations for a higher standard of living have increased the necessity of having more than one earner in the family.

5.215 According to a study undertaken by the Sriram Centre of Industrial Relations in 1972, covering a total sample of 500 respondents drawn from middle class working women, the respondents attached highest important to "reducing the economic burden of their families". In terms of specific economic advantages arising from their employment, they attached primary importance to "augmenting the education and diet of the family members—of children in particular." Next in order of importance was savings from future economic security of the family as compared to the éxpense on current consumption.

> "In the scheme of thinking of the respondents, personal enjoyment, up-keep or comfort were rated very low as the end results of additional earnings from their own job. On the other hand, relatively much higher importance was attacted to proper furnishing of the house and for being able to use gadgets and conveniences for facilitating the performance of their own domestic chores."[21]

5.216 Though some of these studies have referred to non-economic motives among women of this class in taking up employment, the recent studies indicate that the importance of such factors is relatively much less significant. The study cited above found one non-economic reason to be significant among trained women. This was to utilise their education and training.

5.217 The Committee's experience during its tours as well as the results of our Survey confirms the reality of this trend. Wherever we went the most repeated demand from middle class women in urban and rural areas was for increasing employment opportunities without which many families would be reduced to starvation. In West Bengal, a region where the taboos on women's work outside the home had been higher than in most other areas, we met with this demand from even elderly middle-class women. In their view, if their daughters and daughters-in-law did not obtain some employment then the families, particularly the dependent, old and young would face destitution.

5.218 According to our Survey, an overwhelming majority of the respondents, male and female, supported women's employment to augment the family's income. Almost half of the respondents agreed that a woman can do the same work that a man can do, and 87% observed that they should get the same wages as men for similar work. This response was in spite of the view of nearly half the respondents that general service conditions are unfavourable to women. Views on purpose of educating women revealed that fear of insecurity, resulting from loss of support from the bread-winners of the family caused by death or other reasons is still the most compelling force behind this change of attitude to women's employment. The disintegration of joint families and the loss of their rural income has made many of these families totally dependent on their earnings from jobs. At the same time, the number of unmarried, widowed, divorced or separated women who can no longer expect to be fully supported by their families is on the increase.

---

19. NCL—Para 27.21

20. Ranade and Ramachandran—*Women in Employment* 1970; Kapur, Promila—*Marriage and the Working Women* 1970; Narula, U.—'Career Failure among Women'—*Social Welfare*, May 1967; Srivastava, V.—'*Employment of Educated Married Women' — Causes and Consequences*' (Unpublished Ph. D. thesis) 1972; Dhingra, O. P.—Women in Employment : A Field Study ; 1972.

21. Dhingra, op. cit.

argument which is often raised in debates regarding women's employment is that their employment deprives men of jobs that they need to support their families. It is assumed that all women who work are only supplementing the family income to ensure a higher standard of living. These theorists have never tried to investigate how many women who work are sole or main earners in the family. The majority of working women whom we met during our tours, were supporting either their parents and younger brothers and sisters or their own children. We came across some married women, who had continued to work after their marriage in order to support their aged parents and to educate their younger brothers and sisters. Such cases may be rare, but they are significant as they express a complete transformation in social attitudes. A few years ago, parents would have considered it highly improper to accept any support from married daughters. Even today though economic necessity has helped to erode this attitude, the women who take up such a responsibility require considerable courage, because it is generally disliked by their in laws. The fear of loss of earnings of a daughter is becoming an important factor in deferring marriage of middle class women in urban areas.[23]

5.220 (d) The last factor stems from the pattern in India's economic development in the post-independence period and, the relatively higher rate of growth of the tertiary sector. This has opened up considerably more avenues for employment of women than in the past, both in the public and private sector.

5.221 The occupational distribution of women workers in public and private sector and their proportion to total workers in each category indicated in Table XXVIII & XXIX yields ome interesting information. In the public sector, while the number of women employees n the categories of professional, technical and related workers and primary and middle hool teachers, has been continuously rising since 1960, their proportion to total employees as more or less remained constant with only minor fluctuations. The number of women as lministrative, executive and managerial workers increased from 0.10 lakhs in 1960 to 0.12 1966 but there was a downward trend in 1968. Their proportion to total workers, which s more or less constant at 3.3% declined to 2.5% in 1968. In the category of clerical and ted workers, the number of women with the only exception of 1962, has gone up from 7 lakhs in 1960 to 0.79 lakhs in 1968. For the same period their proportion to total kers in this category has gone up from 4.2% to 7.6%. The number and proportion of en workers in transport and communication has remained steady, while in services, s and recreations their number has gone up from 0.05 lakhs in 1960 to 0.13 lakhs in It may be noted however, that in this occupational division majority of women were ng as maids, cooks, house keepers, clearners, sweepers and launderers. The number men as unskilled office workers has declined from 0.25 lakhs (4.5%) in 1960 to 0.16 lakhs in 1968.

In the private sector, the categories where both the number and proportion of women workers has shown a steady increase are — clerical and related workers, service, nd recreation workers and primary and middle school teachers. It may be interesting hat there was a general slump in the employment of women in all categories in 1963 r unskilled office workers. This decline was more marked in the administrative, and managerial workers and professional, technical and related workers.

omen employed in the management cadre belonging to the upper-middle class, distinction is made in the education of boys and girls. These highly educated ld degrees in specific disciplines relevant for business management. Some of the e they are usually employed are in public relations, advertising, market research ge industries. This situation derives from certain socio-psychological reasons eir special abilities in these fields. There is a trend to employ women more in the market or clientele consists primarily of women or where the nature of the r a woman manager. The expansion of the hotel industry, for example, has new avenues for women in the field of marketing, personnel management,

---

en my parents sent me for this job, they said it was just for a few months until I got married l hamper their standard of living so there is no trace of any wedding bells said a telephone ated company—A Study on 'Women and Work' by Shanthi Sitaraman—Sunday World May r situations have been described in the content analysis of periodicals in Bengali and s prepared for the Committee by Tanika Sarkar and Sudha Goghe respectively. Some nis kind were brought to our notice by Smt Nirmala Banerji of the Centre for S lcutta

house-keeping and public relations. Some illustrative examples of women in managerial positions are as follows :

The India Hotels Private Limited has a woman as the Sales Manager and Marketing Manager. Hindustan Milk Foods has a woman as Product Manager, India Tobacco Company Limited has a woman Accountant heading its Tax Department and a woman as Head of the Personnel Department of its Research Section.

Table XXVIII

Occupational-Educational Pattern in India

PUBLIC SECTOR

(*Figures in lakhs*)

Categories		1960	1962	1964	1966	1968
1. Professional, Technical related workers	T	5.05	6.11	7.19	7.32	8.59
	W	1.77*	2.09*	1.08	1.11	1.31
	%	(35.04)	(34.2)	(15.0)	(15.2)	(15.3)
2. Primary and Middle school teachers	T	5.77	6.19	7.52	9.72	10.79
	W	—	—	1.44	1.81	2.13
	%			(19.1)	(18.6)	(19.7)
3. Administrative, Executive and Managerial Workers.	T	2.76	2.93	3.17	3.59	3.87
	W	0.10	0.09	0.11	0.12	0.10
	%	(3.6)	(3.1)	(3.4)	(3.3)	(2.5)
4. Clerical and Related workers including sales workers.	T	8.83	8.82	9.43	9.59	10.41
	W	0.37	0.31	0.40	0.47	0.79
	%	(4.2)	(3.5)	(4.2)	(4.9)	(7.6)
5. Workers in transport and communication occupations.	T	2.91	4.81	4.83	4.78	4.81
	W	0.04	0.06	0.05	0.06	0.07
	%	(1.14)	(1.2)	(1.0)	(1.3)	(1.40)
6. Service, sports and recreation workers.	T	4.54	4.90	5.36	6.00	5.53
	W	0.05	0.09	0.10	0.11	0.13
	%	(1.1)	(1.8)	(1.9)	(1.8)	(2.4)
7. Unskilled office workers.	T	5.59	4.71	5.12	5.14	5.55
	W	0.25	0.13	0.15	0.13	0.16
	%	(4.5)	(2.7)	(2.8)	(2.5)	(2.9)

Source : Occupational--Educational Pattern in India. Public Sector—1968.
*Includes primary and middle school teachers.

5. 224 In some traditional industries, however, women have not yet been accepted at this level nor has industry developed yet the conditions suited to the life cycle and special requirements of women. It is for this reason that they find it more difficult to reach top level jobs. While some of the companies have opened their management cadre to women, it remains to be seen whether this will become an agent for change or whether it will terminate at an experimental stage.

5. 225 The detailed statistical data needed to assess the major occupational trends, namely the extent of women's entry into various professions and services and the levels of their employment in various white collared jobs is not available over a period. It is, therefore, difficult to give a correct statistical profile of the educated women workers. However ,a review of the available data indicates that while a change is perceptible in the occupational pattern of women in this sector during the last two decades, two trends are clearly visible :-

(a) the concentration of women in the professions of teaching and medicine ; and

(b) recognition of certain low prestige jobs in the clerical services as particularly suitable for women and a consequent concentration of women in these occupations.

TABLE XXIX

Occupational-Educational Pattern in India
PRIVATE SECTOR

(Figures in Lakhs)

Categories		1961	1963	1965	1967
Professional, Technical and Related Workers.	T	1.61	2.42	3.0	2.95
	W	0.55	0.31	0.75	0.01
	%	(34.2)	(12.6)	(25)	(34.3)
Primary & Middle School Teachers.	T	0.20	0.51	0.33	0.48
	W	—	0.02	0.17	0.33
	%	—	(3.8)	(51.5)	(68.7)
Administrative and Executive & Managerial Workers	T	0.44	0.56	0.60	0.56
	W	0.05	0.01	0.01	0.01
	%	(11.3)	(1.8)	(1.6)	(1.8)
Clerical and Related workers including sales workers	T	2.74	3.37	3.72	3.46
	W	0.13	0.12	0.16	0.23
	%	(4.3)	(3.5)	(4.3)	(6.6)
Workers in Transport communication and Occupations	T	0.46	0.64	0.67	0.55
	W	0.01	0.01	0.02	0.01
	%	(2.2)	(1.5)	(3)	(1.8)
Service, Sports & Recreation Workers	T	0.35	0.49	0.54	0.56
	W	0.04	0.05	0.07	0.08
	%	(11.4)	(10.2)	(13)	(14.3)
Unskilled Office Workers	T	1.74	1.10	1.14	1.09
	W	0.6	0.11	0.04	0.07
	%	(3.4)	(10)	(3.5)	(6.4)

Source Occupational Pattern in India (Private Sector) 1967—D G E & T
Note —Figures in parentheses show percentage of women to total

TABLE XXX

Women in Selected Professions in Public and Private Sectors

		Private Sector (1967)	*No of Women Employed Public Sector* (1968)
A	*Teaching Personnel*		
	(i) Teachers—Middle and Primary	21,431	213,452
	(ii) Teachers—Secondary school	32,686	28,260
	(iii) Teachers—University	18,897	4,206
B	*Medical and Health Personnel*		
	(i) Nurses	6,845	22,727
	(ii) Midwives & Health Visitors	1,196	24,318
	(iii) Nursing attendants & related workers	—	23,881
	(iv) Physicians and Surgeons	NA	3 091
	(v) Ayah and nurse maids	—	5 675
C	*Telephone Operators*	1,051	5 052
D	*Clerical & Related Workers*		
	(i) Stenos	3,494	2,113
	(ii) Ministerial Assistants and Clerks	6,226	67,623
	(iii) Typist and Teletypist	1,643	5,852

Source D G E & T

5. 226 (a) Professions :— According to an ILO study made in 1970, only 17% of the professional and technical workers were women of which three-fourths were teachers. The Directorate General of Employment and Training's data for selected professions in public and private sectors (organised) identifies teaching, medical and health, clerical and related workers and telephone operators as the four occupations, where there is the largest concentration of women workers.

5. 227 The national classification of occupations adopted by the Census of India, 1971 indicates that the number of women teachers was 6 lakhs, whereas their number in other professions was negligible—physicians and surgeons .2 lakhs, nursing and other medical and health technicians 2,500, lawyers 1,700, and architects, engineers and surveyors 700, accountants etc. 2,700. Apart from persons serving as teachers, other qualified scientists, serving in professional capacity (physical scientists, life scientists, social scientists, mathematicians) add up to a total of 18,000. Of this last group, social scientists form the major section (16,000). It would thus appear that research, particularly the field of social research and social work are emerging as new occupations where women are present in a significant number. In relation to men, their ratios in these selected occupations are given below :

Physicians and Surgeons	—	7.1%
Lawyers	—	1.2%
Teachers	—	30.3%
Nursing and other medical and health technicians	—	72.2%
Scientists	—	10.9%

Within teaching, primary school teaching accounts for about 71% of the women teachers followed by secondary schools which accounts for 21%.

5.228 Teachers :— The heavier concentration of women professionals in teaching and medicine reflects both opportunities as well as preferences. Teaching as an occupation, particularly at the school stage, requires relatively little training beyond general education, in comparison to the professions of medicine, engineering, etc. In the prevailing social ethos, a long-term professional training for women is still accessible to a minority among the upper middle class. The second reason for their preference is respectability attached to this profession in society, in spite of its lower salary structure. Teaching has been always accorded a high status in Indian society, though its income potential has always been limited. Middle class families prefer to see their women in this profession more than any other. One of the reasons for this perhaps because it gives a woman comparatively more time for her household duties, as there are more vacations and limited hours of work.

5.229 Another reason for the heavy concentration of women in teaching has been suggested by sociologists, who report that the percentage of women teachers in lower age-group is much higher than the men teachers at practically all levels of teaching. Women enter the profession in substantial number but their number declines beyond the age of 30 and drastically after 35[23]. This may be interpreted to suggest a substantial entry of women into this profession before marriage and a tendency for some of them to leave employment with increase in their family responsibilities. In the absence of studies based on the same cohort of teachers over a time period, it is not possible to accept this explanation. An alternative explanation ; and in our opinion the more valid one, is the increasing rate of expansion of employment opportunities in this profession in recent years, and the greater degree of preference for women teachers in primary and middle schools which would account for a larger number of younger women in this profession. A third possibility, which required investigation, is the relatively lower salary structure in many private schools. It isan accepted fact that it is easier to obtain the services of women for such low rates than men since women constitute a higher proportion of the educated unemployed.

5.230 Doctors :— According to the Manpower Survey of 1967-68 the existing medical work force comprised 12,000 women out of a total of 1,20,000 doctors. According to 1971 Census (1% sample data) however, the ratio of women physicians and surgeons is only 6.1 per hundred men—23.8 thousand women to 336.3 thousand men. The number of qualified women doctors is however about 25 per 100 men. This may indicate both underutilisation due to

23. Gore, M. S., Desai, I.P. and Chitnis, Suma—*Field Studies in the Sociology of Education*—All India Report—National Council of Educational Research and Training—1970.

women doctors dropping out of the profession, or alternatively their migration to other countries for employment

5 231 It may be noted that though medicine has been an accepted and respected profession for women for a considerable period the general tendency has been for women to concentrate
years they have also entered
etc Since the majority of their
sider it proper to consult a
woman doctor, it is but natural that the majority of women doctors should take up specialisation in women's and children's diseases A new field for women doctors is administration in hospitals and public health During the pre-independence period, there was a considerable disparity between men and women medical officers in the management of hospitals In some of the States, women doctors were not given the same status or pay scales as men This disparity continued in Punjab until 1962, when women doctors were given the status of Civil Surgeons, after considerable struggle on their part

5 232 One particular problem worth nothing in the employment of women doctors is their heavy concentration in urban areas, and the regional disparities in their utilisation Out of 23,000 employed doctors in [illegible] serving in urban areas According to the Ministry [illegible] large urban centres like Bombay, Delhi and Madras [illegible] number of doctors In [illegible] Madhya Pradesh they form only 2-4% while they
Maharastra Since Most women doctors come
to stay in urban areas, while rural areas continue
ctors It would be difficult to improve their
representation in rural areas unless adequate arrangements for housing and other amenities, particularly the schooling of young children are provided

5 233 We would like to note here that as compared to the rather indifferent reception of other women workers in the rural areas, the professions of teaching and medicine have come to receive a high degree of respect and acceptance from rural society We were informed by women in different States, that these two groups of professionals now enjoy a great deal of respect in rural areas It should, therefore, not be difficult, in our opinion, to elicit a greater degree of public cooperation to make their stay in these areas easier

5 234 Nurses — Regarding the other categories of medical personnel, Table XXXI indicates the increase in the number of nurses, mid-wives and health visitors during the last two decades Nurses and mid-wives constitute the largest of these three groups According to the Census of 1971, the total number of women in all categories of para-medical personnel amounted to 1.55 lakhs, of which .9 lakhs were concentrated in urban areas, their ratio to men being 72.7% While these professions do not carry the same status as that of the doctors, nor the same pay scales, there is no doubt that their status has increased in the [illegible] a monopoly of a few
which did not impose
have lessened to a very
in Nursing school and
ssional workers The
expansion of health services has increased employment opportunities In spite of this, however, the arduous nature of the duties which includes night work and the relatively low scales of pay still constitute handicaps for women in this profession It should be noted that there has been an increase in the migration of qualified nurses from the country in recent years Unless this trend is arrested by providing better terms of service and facilities, this trend may form one of the important elements of the 'brain-drain' from the country

5 235 While the principle of discrimination against married women in both these professions has been formally abandoned, elements of discrimination still remain It was brought to our notice that in the Army Medical Service, which employs a large number of women doctors and nurses, until 1972, married women had to leave the nursing service Revision of the rules in that year has made it possible for them to continue in service at their request, by grant of 2 years extended tenure at a time Married women are still not recruited to the Military Nursing service, and if they marry during probation they have to leave the service.

24 In States like Uttar Pradesh, Bihar, Madhya Pradesh, Jammu & Kashmir, Orissa, etc, however, the prejudice still persists The hospitals in these States are, therefore, largely staffed by nurses from the State of Kerala

TABLE XXXI

Nurses, Midwives and Health Visitors

Year	*Nurses*	*Midwives*	*Health Visitors*
1951	16,550	19,281	578
1961	35,584	41,575	1,690
1967	59,914	65,589	3,307
1970	71,199	76,293	4,283

(This Table gives the actual number of nursing personnel registered with the nursing council or boards according to different categories.—Statistical Abstracts India. Figures for 1970 from Pocket Book of Health Statistics—1973.)

Married women may, however, be recruited on local basis on one year contract renewable annually. One glaring omission in the Army Service Regulations is the lack of provision for any paid maternity leave to both women doctors and nurses. This, in our opinion, constitutes a definite disability, and should be removed forthwith.

5.236 *Lawyers* :—In the absence of any reliable data or case studies, it is difficult to make any observation regarding the status of women in other professions. We have, however, received complaints from women lawyers in many States regarding lack of opportunities extended to them for judicial appointment. While the number of practising lawyers has been on the increase, only one woman has, so far, been appointed a High Court Judge. In our view, a change in this trend is necessary not only in the interest of women in this profession, but also for the large number of women who find a lack of understanding of their personal difficulties in family matters from the judicial profession. The Family Courts and the Special Tribunals that we have recommended elsewhere, if accepted, should provide increasing opportunities for women trained in law.

5.237 *Social Workers* :—A new profession which is emerging mainly after independence is social work, a field where leadership was generally assumed by women on a voluntary basis in the years before independence. The majority of professionally trained social workers today work in institutions, departments and organisations engaged in social welfare, both public and voluntary. The first school of social work in India was established by a woman. These schools offered equal opportunities to men and women from the begining. According to a study[25] undertaken by the Indian Council for Social Welfare in 1968, there were about 3,153 social work graduates at that time. This number is estimated to have risen to about 6,000 by 1971. Out of a sample of 1107 covered by the study, 30% were women. In employment opportunities, however, women were found to have obtained their first jobs earlier than men. Out of 319 women, 40% found employment within one month after training, while only 29% of the 732 men succeeded in doing so. 80% of the women could find employment within 6 months of training, while this was true only 53% of the men in the sample. The reasons offered for the greater ease with which women get employment in this profession are :—(a) personal inclination on the basis of aptitude which makes them less selective about the type of employment; and (b) the greater difficulty for social workers obtaining employment in industrial jobs. Since men tend to specialise more in labour and industrial relations, they find it more difficult to get jobs. "On the contrary, the women who normally tend to specialise in primary social work and community organisation, have less difficulty in getting absorbed in the related settings."[26]

5.238 19% of the women, however, complained of poor services and working conditions as a discouraging trend in the employment of social workers. The salaries for this occupation in both voluntary as well as private sector generally ranges between Rs. 200 and Rs. 800.

> "This is not true of the few who today hold high positions both in government departments as heads of educational institutions or other capacitities, who draw a fairly large salary in keeping with the positions held, but they are a very small minority. Academic institutions such as schools of social work and industrial establishments offer better salaries, service and working conditions and opportunities for professional growth, than the primary social work fields[27]."

25. Ramachandran, P. and Padmanabhan, A.—Professional Social Worker in India—*1969*.
26. Ibid-page 128.
27. Basu, Sita—'Women and Social Work' in Wasi, Muriel (Ed.) '*The Educated Women in India*'—1973 —p.92.

Positions held by the majority of women in this profession are generally in the middle and the lower category with very few holding key posts Only 2 schools of social work are headed by women and very few heads of departments dealing with social welfare or related subjects at the Central and State levels are professionally qualified women

(b) *Concentration of women in low level jobs in clerical and related services*

5 239 Registers of Employment Exchanges and the views expressed by various employers, both in public and private sectors, make it clear that job of receptionists, clerks, stenographers and typists are absorbing more and more educated women Out of 9 18 lakhs of women work seekers registered with the employment exchanges at the end of 1973 as many as 69,355 were seeking clerical and related jobs The concentration in particular fields is indicated below

Typists	50,448
Stenographers	7,080
Clerks	2,800
Key Punch operators	2,592
Telephone operators	1,392
Middle school teachers	27,525
Primary school teachers	26 100
Secondary school teachers	24 163
Manual training teachers	6 885
Nursing attendants	5,926
Midwives	2,555
General Nurses	2 058

Source —Directorate General of Employment and Training The demand for unskilled women labour is shrinking both in public and private sectors and the growth in the numbers of women in white collared jobs is definitely on the increase but predominantly in the low prestige occupations

5 240 A sample survey of the pattern of graduate employment in the country undertaken by the Directorate General of Employment and Training towards the beginning of 1960 also found that the second highest percentage of employed women graduates were engaged in clerical and related work in the Central Government About three fourths of the employed women were earning below Rs 300 per month and only 6% had a monthly income of Rs 300 and above [28]

TABLE XXXII

Women Employed in Central Government at different Levels

Total	*Class I*		*Class II*		*Class III*		*Class IV*	
	1961	*1971*	*1961*	*1971*	*1961*	*1971*	*1961*	*1971*
Females	42	251	231	269	720	4175	10	84
	(100)	(100)	(100)	(100)	(100)	(100)	(100)	(100)
General	29	176	267	785	549	2959	5	68
	(69)	(70)	(95)	(90)	(76)	(71)	(50)	(81)
Technical	7	29	13	61	109	902	2	8
	(17)	(12)	(4)	(7)	(15)	(22)	(20)	(10)
Professional	6	46	1	23	62	314	3	8
	(14)	(18)	(1)	(3)	(9)	(8)	(30)	(10)

Figures in brackets denote percentage

5 241 The Committee obtained information from various Ministries and agencies of the Central Government regarding the number of women employees at different levels The data presented in Table XXXII indicate that the largest numbers are concentrated in Class III i e ministerial and related staff The expansion at this level has been much faster than that at the other levels, increasing from 720 in 1961 to 4 175 in 1971 As compared to this, the number of women in Class II services has increased from 231 to 269 and that in

28 Report on the Pattern of Graduate Employment (1963)—DGE & T pp 56 78 The study was confined to Univers ty graduates who received their degrees in 195J and 54

Class I from 42 to 251. The number of Class IV employees increased from 10 to 84.[29] The percentage increase of employees in this limited group of Central Government agencies indicates a faster rate of growth of women employees than the total. A detailed analysis shows that the highest number of Class I officers is to be found in the Department of Atomic Energy (121). Other Ministries with a relatively higher number of women at this level are the Ministry of Education and Social Welfare, External Affairs and Tourism and Civil Aviation. Their numbers in the other Ministries are negligible. In Class II, the highest numbers are found in Tourism and Civil Aviation (626), Education and Social Welfare (65) and Atomic Energy (48). In Class III the largest concentration is again in Atomic Energy (1092), Defence (652), Supply and Rehabilitation (637), Education and Social Welfare (628), Tourism and Civil Aviation (206), Irrigation and Power (195), Commerce (148), Shipping and Transport (131). This indicates that only a few Ministries have shown themselves particularly friendly to receiving women on their staff. The new Department of Science and Technology would also come within this group with 11 women in Class I, 14 in Class II, 99 in Class III. While we regret our inability to make this study comprehensive, our failure to obtain similar information from the other Ministries confirms our belief based on unofficial information, that certain Ministries and agencies of the Government of India are practising a subtle form of discrimination by resisting the posting of women on their staff. Another inference that may be drawn from this data is that the discrimination against women is considerably less in agencies which employ a larger proportion of scientists and other professionals. The case of Atomic Energy, Education and Social Welfare and Science and Technology provide distinct evidence of this. Since these are also relatively lower staffed agencies, their impact on the total employment of women in Central Government agencies can be only marginal.

5.242 We tried to obtain similar data regarding the employment of women at different levels from various public and private undertakings. Information was obtained from 137 public undertakings and 72 private ones. Table XXXIII indicates the distribution of women employees at the level of management, executives and clerical staff. The trend is clear regarding their concentration at the clerical level, both in public and private sector. The greater percentage of women employees is found in the production level with the exception of fertilisers, advertising and steel. In the public sector it is remarkable that their proportion in clerical work outstrips their proportion in the production level (Simple engineering, heavy electricals, fertilisers, textiles, steel and oil). At the level of executives only the advertising industry in the private sector seems to have accommodated a few women. In the public sector, while finance, banking and insurance, steel, heavy engineering and heavy electricals have a certain number of women their proportion is exceedingly small. The number of women at the managerial level is negligible except in light electricals in the private sector.

5.243 The distribution of women clerical staff at the levels of supervisors, assistants and lower grade employees indicates the same pattern (Table XXXIV (a) and (b)). The concentration is generally in the ranks of typists, stenographers and receptionists except in mining and steel, heavy electricals and tele-communications.

5.244 Data supplied by the Union Public Service Commission also indicates an increase in the number of women being recruited as stenographers and assistants in the Central Services as indicated by Table XXXV. Their ratio to men has shown a steady improvement during the last decade.

5.245 The Central Services which threw open their ranks to open competitions, giving equal opportunities for women, since 1948 show a slow but steady increase in the number of candidates as well as successful entrants (Table XXXVI). In the IAS/IFS/IPS/ examination the ratio of women to men recommended for appointment has improved from 1 : 81.6 in 1960 to 1 : 7.5 in 1972. In the other services, however, e.g. the Indian Economic Service, the Statistical Service, and the Engineering Service their proportion still remains low, though in the Electrical Engineering Service their position is relatively better as also in the ranks of Geologists. The Forest Service has received no women even though women have been appearing in these examinations, though in very small numbers. It should be noted that

29. It should be noted that this is not a comprehensive study of Central Government employees but covers only the partial response received from the various Central Ministries. Though they were asked to include their subordinate agencies, not all of them did so. We also failed to obtain any response from a few Ministries—Railway, Information and Broadcasting, Health and Family Planning, Home Affairs. The data should, therefore, be regarded as purely illustrative.

TABLE XXXIII

Distribution of Women Employees in different categories in Public and Private Sector

Undertaking	*No of Units*		*Total Women Employees*		*Managerial Level*		*Officers Level*		*Clerical Level*	
Engineering	*Public*	*Private*	*Public*	*Private*	*Public*	*Private*	*Public*	*Private*	*Public*	*Private*
Heavy	6	15	964	575	18	—	35	3	436	135
					(1 99)		(3 87)	(0 52)	(48 33)	(23 48)
Light	7	2	614	17	1	—	13	1	210	4
					(0 16)		(2 12)	(5 88)	(34 20)	(23 53)
Simple	22	—	1547	—	3		27	—	816	—
					(0 19)		(1 75)		(52 75)	
Electricals										
Light	2	1	117	1414	—	44	2	—	47	18
						(3 11)	(1 71)		(40 17)	(13 01)
Electronics	1	8	2750	1344	—	—	12	11	328	187
							(0 44)	(0 82)	(11 93)	(13 91)
Heavy	7	—	1164	—	—	—	38	—	702	—
							(3 26)		(60 31)	
Chemicals							10	1	389	98
Fertiliser	15	5	739	122	—	—	(1 74)		(52 64)	(80 33)
Plastics	4		248		—	—	1		43	
							(0 40)		(17 34)	
Finance & Banking· Insurance	30	1	3332	3	11	—	58		3126	
					(0 30)		(1 74)		(93 28)	
Tele Communication	1	—	597	—	—	—	13		359	
Advertising	—	7	—	157	—	3	—	36	—	103
						(1 91)		(22 93)		(65 61)
Textile	1	14	12	2267	—	—	—	11	11	174
								(0 49)	(91 67)	(7 68)
Mining	5	1	33978	661	—	—	43	—	974	12
							(0 12)		(2 87)	(1 82)
Steel	5	1	532	22	—	—	28	2	504	20
							(5 26)	(9 09)	(94 74)	(90 91)
Oil	4	—	355	—	—	—	10	—	332	—
							(2 82)		(93 78)	
Research & Development	2	—	465	—	—	—	1	—	464	
									(99 78)	
Planning & Construction	8	—	167	—	1	—	7	—	158	
					(0 60)		(4 19)		(94 61)	—
Others	7	13	899	305	—	2	51	23	763	230
						(0 66)	(5 671)	(7 54)	(84 67)	(75 41)

N B Figures within brackets denote percentages to total Women Employment

TABLE XXXIV (a)

Woman Employees at clerical level in Public Sector. Clerical & related workers

Name	*Total W. Employees*	*Total clerical & their % to total w. Emp.*	*Supervisory*	*Assistant*	*Typist/Steno/ Receptionist.*
Eng.					
[a] Heavy	904	436 (48.23)	14	30	392
[b] Light	614	210 (34.20)	14	26	170
[c] Simple	1547	816 (52.75)	16	771	29
2. **Electricals**					
[a] Light	2750	328 (11.93)	30	164	134
(b) Heavy	1164	702 (6.31)	19	459	224
3. **Chemicals**					
Fertiliser	739	389 (52.64)	4	33	352
4. **Finance, Banking & Insurance :**	3332	3126 (93.82)	6	207	2913
5. **Planning & Construction**	167	158 (94.61)	6	42	110
6. Oil	355	332 (93.52)	3	95	234
7. Mining	33,978	974 (2.87)	380	268	326
8. Steel	532	504 (94.74)	6	347	151
9. **Research & Development**	465	464 (99.78)	—	1	463
10. Food Processing spreservation	91	86 (97.80)	3	10	73
11. Telecommunication	597	359 (60.13)	79	127	153
12. Miscellaneous	899	763 (84.87)	375	11	377

TABLE XXXIV (b)

Women Emp, At Clerical Level : (PRIVATE SECTOR)

1. *Electricals*	*T.W. Emp.*	*Clerical level*	*Supervisory*	*Asstt.*	*Typist/Steno Tel. Operator*
A. Light	1414	184 (13.01)	—	15	169
B. Electronics	1344	183 (13.91)	—	84	99
2. **Engineering**					
A. Heavy	575	135 (23.48)	2	19	114
3. Chemicals	1122	98 (80.33)	—	2	96
4. Advertising	157	103 (65.81)	—	7	96
5. Textiles	2267	174 (7.68)	2	—	172
6. Steel	22	20 (90.91)	—	—	20
7. Miscellaneous	305	230 (75.41)	—	15	215

TABLE XXXV

Stenographers and Assistants as Recommended by the Union Public Service Commission

Name of the Examination and year	No of candidates appeared Total	Men	Women	No of candidates recommended Total	Men	Women	Ratio of women to men
Stenographers							
1 1963	1944	1913	31	457	454	3	1 151 3
2 1966	1747	1676	71	219	212	7	1 30 3
3 1969	2038	1897	141	280	264	16	1 16 5
4 1971	2366	2077	289	129	113	16	1 7 1
5 1973	1729	1481	248	200	180	21	1 8 6
Assistants Grade Examination							
1 1963	3063	3036	27	197	195	2	1 97 5
2 1965	1901	1867	34	92	91	1	1 91
3 1969	2891	2779	112	353	397	16	1 , 24 8
4 1971	7889	7229	460	362	350	12	1 29 2
5 1973	8096	7347	749	374	352	22	1 16

TABLE XXXVI

Name of Examination and Year	No of candidates appeared Total	Men	Women	No of candidates recommended Total	Men	Women	Ratio of women to men (recommended for appointment)
IFS IAS, IPS etc							
1 1960	5873	*	*	333	328	5	1 65 6
2 1963	4282	*	*	417	400	17	1 23 5
3 1966	5040	*	*	426	385	41	1 9 4
4 1969	6516	6153	363	378	337	41	1 8 2
5 1972	8424	7800	624	549	485	64	1 7 6
Indian Forest Service							
1 1967	1338	1335	3	54	54	—	
2 1969	949	947	2	16	16	—	
3 1971	1510	1504	6	11	11	—	
4 1973	2439	2420	19	26	26	—	
IES/ISS							
1 1967	2386	*	*	45			
2 1969	1892	*	*	48			
3 1971	572	*	*	25			
4 1973	304	260	44	13	13	—	
Eng Services (1960 to 66 no women candidate recommended for Eng Service)							
1 1969	2105	2104	1	235	235		
2 1970	2105	2100	5	277	276	1	1 276
3 1971	1883	1877	6	321	321	—	
4 1972	2745	2739	6	453	452	1	1 452
Eng Service (Elect)							
1 1971	315	307	8	89	87	2	1 43 5
2 1972	516	509	7	250	248	2	1 124
3 1973	879	862	17	85	83	2	1 41 5
Geologists Exam							
1 1969	239	238	1	42	42	—	
2 1972	322	314	8	100	99	1	1 99
3 1973	332	325	7	137	134	3	1 44 7

Source UPSC

the Indian Police Service, which had refused to accept any woman earlier, withdrew its resistance after a recent representation from some women candidates

5.246 While we regret that we did not get any response from the Ministry of Railways to our request for information, we have been unofficially informed that of the 10 Services under the Railways women have been accepted at the Class I level only in two, viz. Accounts and Medical. Certain candidates who has sought admission to the Traffic Service, were denied the opportunity and persuaded to opt for Accounts. We have also been informed that the Railway Board has resisted the posting of Class I women officers on the staff of the Board.

5.247 The important issue concerning women in the Central Services that received considerable public attention recently was regarding the constitutional validity of Rule 5 (3) of the IAS Recruitment Rules, 1954. According to this Rule, when an unmarried woman officer married "the Central Government may, if the maintenance of the efficiency of the service so requires, call upon her to resign". This rule had been cited in a case which came up for consideration before the Supreme Court under the Industrial Disputes Act, 1967.[30] In this case, the legality of a service rule adopted by the respondent concern, (International Franchise (Pvt.) Ltd.), by which the services of a woman worker were automatically terminated on marriage, was sought to be defended on the analogy of Rule 5 (3) of the IAS Recruitment Rules. The Court, while striking down the said rule in the respondent concern in the interests of social justice, observed as follows :

"It will be seen that this rule for the Indian Administrative Service is not unqualified like the rule in force in the respondent concern. It only lays down that where an unmarried woman married subsequently, the Central Government may, if the maintenance of the efficiency of the Service so requires, call upon her to resign. Therefore, this rule does not compel unmarried women to resign on marriage as a matter of course, as is the case in the respondent-concern. It is only when the Central Government considers that marriage has impaired the efficiency of the woman concerned that the Central Govenrment may call upon her to resign The rule which is in force in the respondent concern however assumes that merely by marriage the efficiency of the woman employee is impaired and such an assumption in our opinion is not justified."

5.248 Though Rule 5(3) was upheld by the Supreme Court, we are happy to note that it was deleted from the IAS Recruitment Rules in 1972, after an assurance given by the Prime Minister in Parliament, since it amounted to discrimination against married women

5.249 The low proportion of women in the higher ranks may be a reflection either of prejudices and discriminatory recruitment policies or lack of career orientation and career commitment on the part of women. Disparities in the proportion of men and women at different levels of responsibility are important indicators of the unequal employment status and opportunity for men and women which are the direct result of a combination of factors i.e. the educational system, training, job-orientation and culture conditioning. Many private concerns do not recruit women into their managerial cadre as a matter of policy as they believe that women cannot exercise supervision and control and they are weeded out in promotion. Such prejudices tend to persist and are difficult to break down. In response to our request for information regarding policy in regard to recruitment of women, one nationalised undertaking observed :—

"Our general policy has been to avoid, as far as possible appointment of female employees in the Orgonisation. Lack of education among womenfolk, socio-economic backwardness of the state, have been largely responsible for creating an atmosphere which has been discouraging to women's employment. Admist these conditions, while very few women candidates were coming forward for jobs in our organisation we were reluctant to appoint them lest it may create administrative problems Besides, as a private business organisation prior to nationalisation, we gave due consideration to efficiency, discipline, administrative ability, hard work and in our opinion women candidates in general were not upto the mark."[31]

5.250 The ILO report on ' Women Workers in a Changing World" noted that "while formal discrimination in employment based on sex is tending to disappear, informal policies and

30. Bombay Labour Union v M/s International Franchise (Private) Limited, A I.R 1960 S.C. 942

31. A unit of the Life Insurance Corporation of India in the Northern Region.

practices are tending to persist The residual forms of discrimination tend to operate, formally and informally at a higher level in the occupational pyramid, often blocking the advancement of women on the ground of their individual merit irrespective of sex "32"

5 251 In spite of these limitations, an overview of the trends during the last three decades reveals that the contribution and achievement of women in this sector have been significant The number of women working as lawyers, engineers, technologists, scientists, accountants, and auditors, journalists, business managers and executives, may be small but they indicate a qualitative change

5 252 While the overall increase in the number of women in these occupations indicate a relatively widening field for employment of educated women, this should not be given undue importance We did not attempt any definition of the type of work or of the sections of workers employed in this sector since it was neither possible nor necessary Broadly, the tertiary sector constitutes that sector of the economy in which no production of material goods take place In this sense, all work in the tertiary is unproductive In an economy like ours, where an unusually high proportion of total capital is invested in trade and commerce or where because of social and political considerations, allocation of resources for defence, maintenance of law and order and certain social services like education and health are high, the tertiary sector is somewhat bigger in volume than in other developing countries As a result of this, employment in the tertiary sector is general and in the public sector in particular has increased at an exceedingly fast rate The expanded role of Government at all levels of the development process has been one of the greatest contributory factors towards this

5 253 As compared to this, the actual production of goods has not increased at the same pace It has been increasingly realised that a developing economy cannot bear the weight of this very heavy tertiary sector, with the increasing constraints on resources available for development and inflationary tendencies The increasing financial crisis has already imposed severe constraints on public resources and calls for reduction in public expenditure and non productive expenditure in the economy as a whole The major impact of these demands are bound to be on these sectors where we have noticed a concentration of a larger proportion of women's employment viz education health and other social services It is an established fact that this is the sector which receives the first impact of an economy drive both in the public and in the private sector We may therefore anticipate a slowing down if not in actual reduction in the opportunities for women's employment in these services and professions

5 254 The over-riding inference from the existing trends in different sectors of the economy suggests, that without increasing opportunity for women's employment in the productive sectors, it will not be possible to arrest the established trend of decline in women's economic participation that we have pointed out earlier The marginal contribution that the tertiary sector can make to the employment situation as a whole is negligible and in the interests of economic development of the country as a whole, attempts are bound to be made in the near future to reduce the present imbalance between the production and the tertiary sectors This points to the imperative need to increase opportunities for women in the former

III—Infrastructure for Women's Participation in a Modernising Economy

5 255 The sectorwise examination of women's rights and opportunities for economic participation, indicates that the major forces affecting women's employment, stem from structural changes within the economy—in agriculture, industry, and the economy as a whole The change from traditional to a modern market economy, from laissez faire to deliberate planned development, from unorganised to organised production, from unregulated to regulated relations of production, from labour to capital intensive technology, and the intensification of socio economic inequalities, all have had an impact on the employment situation Women being a vulnerable group with fewer avenues open to them, have been affected more adversely than men

5 256 A *Education* —Modern methods of prodution, marketing and planning call for a higher level of knowledge and skills than those required by a traditional economy The increasing complexity and inter-relationship between production, investment and the process of competitive selection, increases the importance of education and dissemination of information.

32 P 57

5.257 Though educational opportunities did expand in the post-independence period, it was relatively slower among women, particularly at the primary and secondary levels[33]. The rate of expansion was much faster at the level of higher education, and was the virtual monopoly of the middle class. In the case of women, both secondary and higher education was practically confined to the urban middle class. On the other hand, the number of illiterates, who remained outside the reach of the educational system also increased—the women outnumbering the men. This pattern of educational development, coupled with the changes in the economy, has, inevitably affected the economic opportunities of women.

TABLE XXXVII (a)

Educational Status of workers URBAN 1961 and 1971.

Educational level	*1961*				*1971*			
	Total		*Workers*		*Total*		*Workers*	
	Males	*Females*	*Males*	*Females*	*Males*	*Females*	*Males*	*Females*
1. Total	22419892	4010042			28554300	3285700		
2. Illiterate	7895414	3253237	35.2	81.1	9129500	2165400	31.9	65.8
3. Literate without educational level	6792861	321460	30.2	8.0	3295100	165300	11.5	5.0
4. Primary or junior basic	4449714	209167	19.8	5.2	5260000	208100	18.4	6.2
5. Matriculation or Higher Secondary	2330992	143113	10.4	3.5	4368300	149500	15.1	4.4
6. Technical diploma not equal to degree	67116	6914	0.3	0.1	4759000	371200	16.6	11.3
7. Non-technical diploma not equal to degree	110385	11957	0.4	0.2	42000	5800	0.1	0.1
8. Graduate or post graduate	599707	36370	2.6	0.8	132600	27200	0.4	0.8
9. Technical degree or diploma equal to degree or post graduate degree	173703	27824	0.7	0.6	983300	87300	3.4	2.3
10. Engineering	42831	116	0.1	0.0	305800	49800	1.0	1.4
11. Medicine	36849	5713	0.1	0.1	278700	56100	0.9	1.3
12. Agriculture	4992	28	0.0	0.0	132600	1400	0.4	0.0
13. Veterinary and dairying	2170	10	0.0	0.0	67900	15100	0.2	0.3
14. Technology	2744	30	0.0	0.0	11900	200	0.0	0.0
15. Teaching	42487	114470	0.1	0.4	57000	38100	0.1	1.1
16. Others	41610	2457	0.1	0.0	9300	1300	0.0	0.0
			100.0	100.0			100.0	100.0

33. Discussed in detail in Chapter 6.

5 258 The work participation rate by education level shows that while employment opportunities for educated women have increased there has been a negative trend in the participation rate of illiterate and semi literate women, whose share in employment has declined

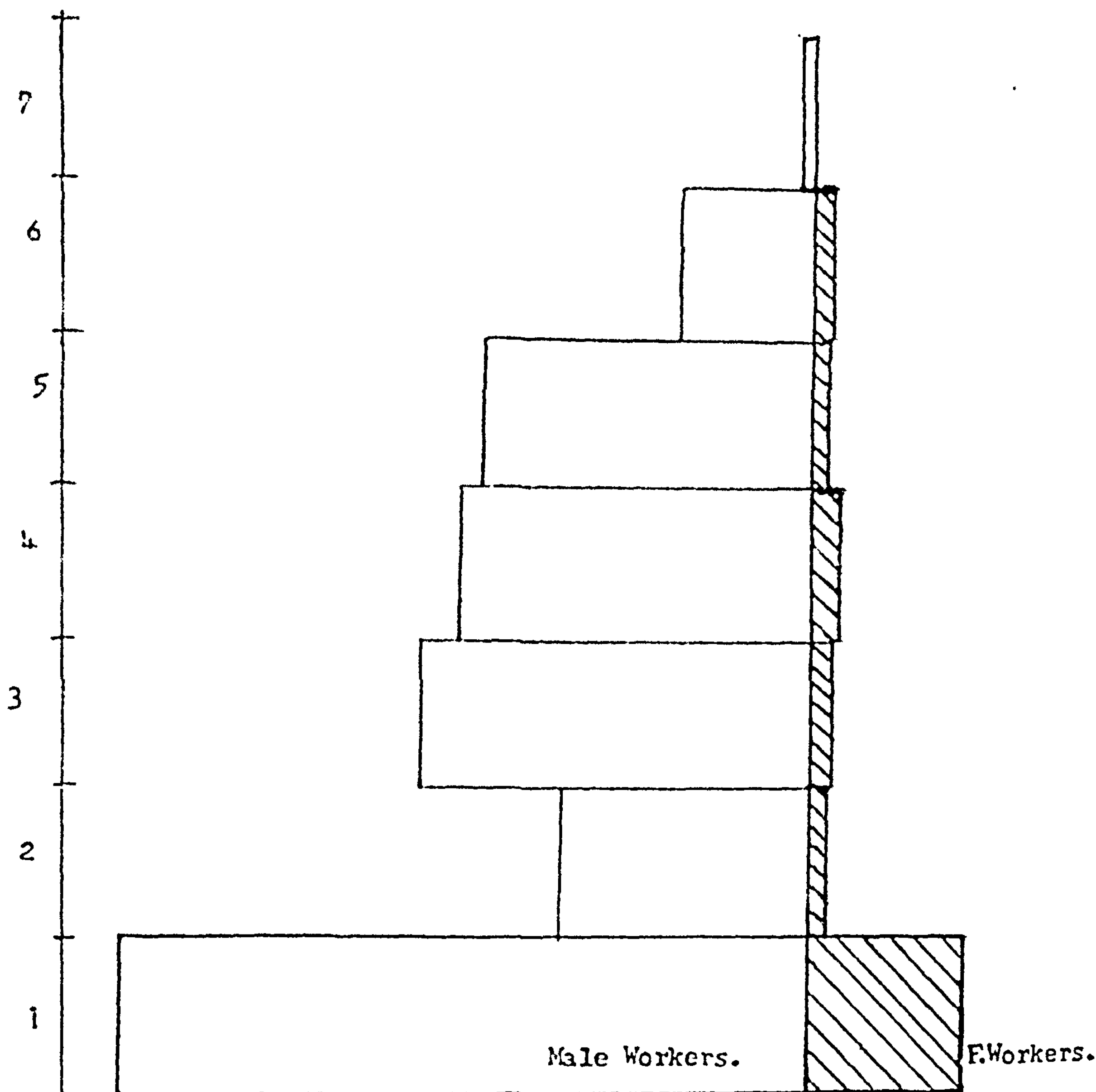
5 259 During 1961-71 the participation rate for illiterate women declined substantially from 81 1% to 65 8% in urban areas but showed marginal variations in rural areas (Table XXXVII (a) & (b)) As pointed out in section II B and III A, the employment of women has declined significantly both in unorganised non agricultural occupations and in organised industry Our review indicates that there is a large scale displacement of illiterate and semi literate women workers from organised industry and non agricultural occupations in the un organised sector This is also evident from the fact that the drop has been more marked in the urban areas A superficial conclusion that could be drawn from this data is that the decline in the numbers of illiterate or semi literate women workers, indicates a rising level of education

TABLE—XXXVII (b)

Educational Status of workers in RURAL 1961 & 1971

	Educational levels	1961 Males	1961 Total workers Females	1961 % workers to total M & F for each educational levels		1971 Males	1971 Total workers Female	1971 % workers to total M & F for each educational levels	
1	Total	106750873	55494693			119791400	27712600		
2	Illiterate	73244022	53078059	69 5	95 6	77887100	25527400	65 1	92 1
3	Literate (without educational level)	23403673	1772430	21 0	3 2	14857100	893300	12 4	3 3
4	Primary	8512723	578515	8 1	1 1	15382000	842000	12 9	3 0
5	*Middle	—	—	—	—	7286900	241300	6 1	0 8
6	**Matriculation and above	1590185	65689	1 4	0 1	4378300	208600	3 7	0 7
7	Matriculation or Higher Secondary					3645400	138100	3 1	0 4
8	Non Tech diploma or certificate not equal to degree					55300	7400	0 0	0 0
9	Technical diploma or certificate not equal to degree					109900	36700	0 0	0 1
10	Graduate and above					567700	26400	0 4	0 0

*The educational category as 'middle' given separately is applicable only to 1971 figures whereas for 1961 it is included in the category of 'primary'
**Classification of educational level in 1961 is made only upto '*Matriculation and above*' whereas that of 1971 is upto Graduate and above and is in the table The figures in the 1971 column against the educational category of Matriculation and above are [illegible] These figures represent the total sum of all educational [illegible] No 7 to 10
[illegible] i) General Economic Tables, and 1971 figures [illegible] ristics of population



Educational Status of Male & Female Urban Workers, 1971

(1) Illiterate

(2) literate without educational qualification

(3) Primary and Junior Basic.

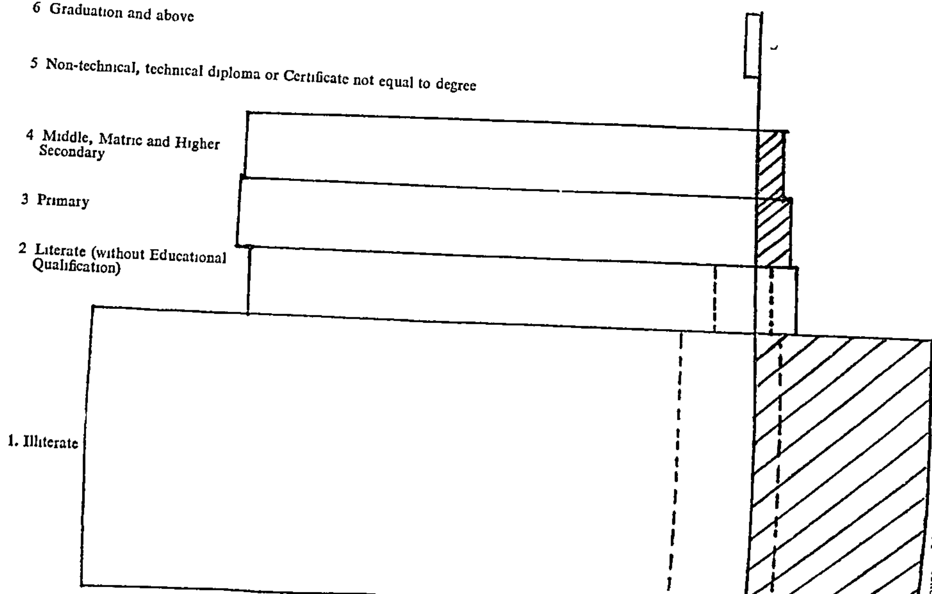
(4) Technical diploma not equal to degree.

(5) Matriculation & Higher Secondary

(6) Degree, P.G. Degree, Technical degree or Diploma equal to Degree or P.G. Degree. Engineering, Agricultural and Medicine.

(7) Non-technical diploma not equal to Degree, veterinary, dairying, technology, teaching and others.

Source : Census of India 1971. General Economic Tables. Paper 3 of 1972.



Educational Status of Male and Female Rural Workers, 1971

ource : Ministry of Education, Govt of India

education. The pattern of women's educational development in the years since Independence, however, indicates that it has failed to penetrate, in any significant manner, the large mass of illiterate adult women, whose numbers have increased over the years. Since they also come from the poorest section of the population, where employment is a dire necessity, this change in the composition of the women work-force has to be regarded as an indicator of the displacement of this section of women from the work-force, a consequence of the changing levels of technology, and methods of business organisation. The increase in the participation rate of technical diploma holders from 0.6% to 2.3%, indicates the operation of the growing demand for modern technical skills in new industries like electronics, pharmaceuticals electricals etc. and in new services for technical personnel. The distribution of degree holders and technical female personnel by labour-force status and level of education indicates that the majority of them were employees and only 2.1% being self-employed (Table XXXVIII).

5.260 Among the educated women, the worker rates for women who have received a technical degree and diploma (mainly in teaching and medicine) were snbstantially higher than those who had received non-technical degree or diplomas or had studied upto the Higher Secondary level. The differential according to fields of specialisation of technical degree and diploma holders are smaller among males than among females. The distribution of women degree holders and technical personnel by sector of employment show that 58% are employed in the public sector, 36.6% in the private sector and 5.4% are self-employed.

TABLE XXXVIII

Distribution of Degree holders and Technical female Personnel by status and level of education, 1971 : (selected categories)

Labour force status	Doctorate No.	Doctorate %	Master Post-graduate No.	Master Post-graduate %	Bachclor	Equivalent	Diploma	Certificate	Total
A. 1. Employee	1373	70.8	40302	48.1	99344	32.0	6599	55.0	147618 (36.1)
2. Self employed	51	2.6	1700	2.0	5982	1.9	950	7.9	8683 (2.1)
3. Unemployed trying for jobs	243	12.5	15376	18.4	62126	20.0	2061	17.2	79804 (19.5)
B. 4. Student trainees	84	0.2	326	0.4	3424	1.1	159	1.3	3913 (1.0)
5. Apprentice	—	—	33	Neg.	394	0.2	65	0.5	492 (0.1)
C. 6. Unemployed and not trying for job	135	7.1	15192	18.2	73721	23.7	1107	9.3	90155 (22.1)

Compiled from Census of India 1971, G. Series Tables (National level) Degree holders and Technical Personnel (P) office of the R.G.India

5.261 The extent to which persons of different educational levels undertake productive roles in the economy is an indicator of the nature of utilisation of the investment in their education. Women with degree or diploma in medicine and teaching generally pursue a career. The differential in participation rate between such women and their male counterparts is not more than 20%.

5.262 The table XL below giving the proportion of formally trained men and women in selected occupational categories indicates that employed women by and large are better equipped than men in most of the occupations :

TABLE XXXIX

Distribution of Women Degree holders and Technical Personnel by Sector of Employment

Level of Education	Total	%	Sector Public	%	of Employment Private	%	Self Employed	%
Doctorate	1,380 (100 0)	0 9	1 005 (72 8)	1 2	328 (23 8)	0 6	47 (3 4)	0 6
Master/Post Graduate	40 081 (100 0)	26 8	22 507 (56 2)	26 0	16 015 (40 0)	29 3	1,559 (3 8)	19 3
Bachelor/ Equivalent	1,00 605 (100 0)	67 3	58 231 (57 9)	67 1	36 798 (36 6)	67 3	5 576 (5 5)	69 0
Diploma/ Certificate	7 444 (100 0)	5 0	4 980 (66 9)	5 7	2 565 (21 0)	2 8	899 (12 1)	11 1
All levels of Education	1 49 510 (100 0)	100 0	86 723 (58 0)	100 0	54 706 (36 6)	100 0	8 081 (5 4)	100 0

Source Census of India 1971, G—Series Tables (National Level) Degree holders and Technical Personnel (Provisional) Office of the Registrar General India Ministry Home of Affairs New Delhi

TABLE XL

*Percentage of Formally Trained *Men and women in Selected Occupational Categories*

	Men	Women
(i) University teachers	49 4	37 9
(ii) Secondary teachers	63 7	77 8
(iii) Primary & Middle teachers	77 0	81 6
(iv) Labour and Social Welfare	21 2	35 2
(v) Librarians & Archivists	53 8	72 5
(vi) Village officials	27 8	35 5
(vii) Allopathic physicians and surgeons	96 1	100 0

* Holding degrees diplomas certificate in profession concerned
Source Occupational—Educational Pattern in India (Public Sector) 1968

5 263 The rising participation rate of educated women is also witnessed by the Employment Exchange statistics Since 1963 the number of female job seekers with matriculation as well as higher education on the live Register has increased more rapidly than for males Between 1964 68 the number of female job seekers registered with Employment Exchange increased by about 81% while that of male job seekers increased by only 14% For matriculates and higher educated job seekers the corresponding increases were 72% and 116% for males and females respectively[34] In 1973 the percentage increase of women work seekers over the previous year was 25 7% for those with qualifications below midde school 39% for matriculates and under graduates and 95 4% for graduates and post graduates This phenomenon assumes importance in view of the relatively rapid spread of women s education in i

TABLE XLI

Average (Median) Duration of Unemployment among Graduates and Technical Personnel by sex level of education

	Male	Female
All levels of Education	12 9	14 8
Doctorates	12 0	15 1
Master/Post graduate	13 1	16 9
Bachelor/Equivalent	12 7	14 2
Diploma	16 7	17 4
Certificate	20 8	24 0

* 1971 Census special enumeration

34 Visaria Pravin Labour Force Participation By age Sex and Educational level in India —1971

education. The pattern of women's educational development in the years since Independence, however, indicates that it has failed to penetrate, in any significant manner, the large mass of illiterate adult women, whose numbers have increased over the years. Since they also come from the poorest section of the population, where employment is a dire necessity, this change in the composition of the women work-force has to be regarded as an indicator of the displacement of this section of women from the work-force, a consequence of the changing levels of technology, and methods of business organisation. The increase in the participation rate of technical diploma holders from 0.6% to 2.3%, indicates the operation of the growing demand for modern technical skills in new industries like electronics, pharmaceuticals electricals etc. and in new services for technical personnel. The distribution of degree holders and technical female personnel by labour-force status and level of education indicates that the majority of them were employees and only 2.1% being self-employed (Table XXXVIII).

5.260 Among the educated women, the worker rates for women who have received a technical degree and diploma (mainly in teaching and medicine) were snbstantially higher than those who had received non-technical degree or diplomas or had studied upto the Higher Secondary level. The differential according to fields of specialisation of technical degree and diploma holders are smaller among males than among females. The distribution of women degree holders and technical personnel by sector of employment show that 58% are employed in the public sector, 36.6% in the private sector and 5.4% are self-employed.

TABLE XXXVIII

Distribution of Degree holders and Technical female Personnel by status and level of education, 1971 : (selected categories)

		Labour force status	*Doctorate* *No.*	*%*	*Master Post-graduate* *No.*	*%*	*Bachclor*	*Equivalent*	*Diploma*	*Certificate*	*Total*
A.	1.	Employee	1373	70.8	40302	48.1	99344	32.0	6599	55.0	147618 (36.1)
	2.	Self employed	51	2.6	1700	2.0	5982	1.9	950	7.9	8683 (2.1)
	3.	Unemployed trying for jobs	243	12.5	15376	18.4	62126	20.0	2061	17.2	79804 (19.5)
B.	4.	Student trainees	84	0.2	326	0.4	3424	1.1	159	1.3	3913 (1.0)
	5.	Apprentice	—	—	33	Neg.	394	0.2	65	0.5	492 (0.1)
C.	6.	Unemployed and not trying for job	135	7.1	15192	18.2	73721	23.7	1107	9.3	90155 (22.1)

Compiled from Census of India 1971, G. Series Tables (National level) Degree holders and Technical Personnel (P) office of the R.G.India

5.261 The extent to which persons of different educational levels undertake productive roles in the economy is an indicator of the nature of utilisation of the investment in their education. Women with degree or diploma in medicine and teaching generally pursue a career. The differential in participation rate between such women and their male counterparts is not more than 20%.

5.262 The table XL below giving the proportion of formally trained men and women in selected occupational categories indicates that employed women by and large are better equipped than men in most of the occupations :

TABLE XXXIX

Distribution of Women Degree-holders and Technical Personnel by Sector of Employment

Level of Education	Total	%	Sector of Employment Public	%	Private	%	Self Emplo[yment]	
Doctorate	1,380 (100 0)	0 9	1,005 (72 8)	1 2	328 (23 8)	0 6	47 (3 4)	
Master/Post Graduate	40 081 (100 0)	26 8	22,507 (56 2)	26 0	16,015 (40 0)	29 3	1,559 (3 8)	1
Bachelor/ Equivalent	1,00,605 (100 0)	67 3	58,231 (57 9)	67 1	36,798 (36 6)	67 3	5,576 (5 5)	69
Diploma/ Certificate	7,444 (100 0)	5 0	4,980 (66 9)	5 7	2,565 (21 0)	2 8	899 (12 1)	11
All levels of Education	1,49,510 (100 0)	100 0	86,723 (58 0)	100 0	54 706 (36 6)	100 0	8 081 (5 4)	100

Source Census of India 1971, G—Series Tables (National Level), Degree holders and Technical Personnel (Provisional), Office of the Registrar General, India, Ministry Home of Affairs, New Delhi

TABLE XL

*Percentage of Formally Trained *Men and women in Selected Occupational Categories*

	Men	Women
(i) University teachers	49 4	37 9
(ii) Secondary teachers	63 7	77 8
(iii) Primary & Middle teachers	77 0	81 6
(iv) Labour and Social Welfare	21 2	35 2
(v) Librarians & Archivists	53 8	72 5
(vi) Village officials	27 8	35 5
(vii) Allopathic physicians and surgeons	96 1	100 0

* Holding degrees, diplomas certificate in profession concerned

Source Occupational—Educational Pattern in India (Public Sector) 1968

5 263 The rising participation rate of educated women is also witnessed by the Employment Exchange statistics Since 1963 the number of female job seekers with matriculation as well as higher education on the live Register has increased more rapidly than for males Between 1964 68 the number of female job seekers registered with Employment Exchange increased by about 81%, while that of male job seekers increased by only 14% For matriculates and higher educated job seekers the corresponding increases were 72% and 116% for males and females respectively[34] In 1973 the percentage increase of women work seekers over the previous year was 25 7% for those with qualifications below midde school, 39% for matriculates and under graduates and 95 4% for graduates and post-graduates This phenomenon assumes importance in view of the relatively rapid spread of women's education in urban

TABLE XLI

Average (Median) Duration of Unemployment among Graduates and Technical Personnel by sex level of education

	Male	Female
All levels of Education	12 9	14 8
Doctorates	12 0	15 1
Master/Post-graduate	13 1	16 9
Bachelor/Equivalent	12 7	14 2
Diploma	16 7	17 4
Certificate	20 8	24 0

* 1971 Census special enumeration

34 Visaria, Pravin Labour Force Participation By age, Sex and Educational level in India"—1971

India and the paucity of employment opportunities. Taking different subject fields together, the average duration of unemployment is higher for women than for men, as indicated in the Table XLI.

5.264 According to the Census of 1971, the average waiting period for a male graduate before getting employment was 12.9 as against 14.8 months for a woman graduate[35]. The only exception to this is the field of medicine and nursing where the average waiting period for men with post-graduate qualification and with doctorate is higher than for women[36]. This sometimes acts as a strong deterrent for many a woman without specialisation from seeking employment.

5.265 The total stock of degree holders and technical personnel by subject field, level of education and sex, and the distribution of degree holders and technical personnel who were found unemployed, was obtained by CSIR on individual enumeration slip in 1971. The study revealed that out of 4 lakh women degree holders only one and a half lakhs were employed which is only 4% of the total working women in the country. Of these employed women 62% earned less than Rs. 500, 17% earned between Rs. 500 and Rs. 1000. Of the total number of unemployed women graduates, only 110,000 women were seeking jobs and the largest number of this component were holding degree in Arts and Humanities and the next were those holding degrees in Science. Of the women who were not seeking employment, 55% had degrees in Arts and Humanities, 50% in Science, 18% in technical or engineering and 9% in vocational courses.

The dilemma of idleness among educated women :

5.266 The paradox of women's employment is that while illiteracy drives many out of employment, education does not necessarily lead to their employment. "That participation ratios are not higher has at least as much to do with considerations of status and prestige as with the absence of jobs for those who seek but cannot find them. It is of course conceivable that a more progressive and expanding society could elevate the position of women and change attitudes toward female work. But an economy whose capacity to absorb men of working age is strained, does not encourage the elimination of traditional forms of discriminations against economic activity by women[37]."

5.267 Idleness can both be voluntary and involuntary. Since our labour market does not provide full, productive and freely chosen employment and jobs are at a premium, many women prefer to avoid the competitive pressures. Utilisation of labour in any society depends to a certain extent on social institutions, taboos and inhibitions related to status and work which affect women more than men. These attitudes are reflected in social institutions, and the relationship between institutions and attitudes is mutually reinforcing[38].

5.268 The development of education has been mainly confined to middle class families, among whom the attitude to women's employment outside the home had been most restrictive. This attitude however has been changing rapidly under economic pressure and the changing social scene. The real difficulty lies in the failure of the economy to absorb all its labour power and to appreciate the need for an institutionalised pattern of labour utilisation that takes note of women's roles as housewives and mothers. So far, in spite of occasional lipservice to the idealised image of women in these roles, little attempt has been made to assess its productive value. Still less attention has been given to providing the necessary infrastructure to remove women's disabilities in the labour market. Education alone cannot remove these disabilities.

B. Vocational and Technical Training

5. 269 The need to relate education and particularly vocational training to actual employment opportunities has been repeatedly emphasised by various expert bodies like the ILO, the National Commission on Labour, the All-India Council for Technical Education, the Institute of Applied Manpower Research and the University Grants Commission, Committee on Coordination of University Education with Manpower Requirements (1967).

5. 270 In view of the current social prejudices against employment of women and their large scale displacement from employment as a result of structural and technological changes

37. Myrdal, G—Asian Drama—p. 1131
38. Ibid P. 1000.

taking place in the economy vocational training for women requires special attention and priority This has been emphasised by the International Labour Conference in 1965 and the U N Commission on the Status of Women in each of its reports In India the National Committee on Women s Education had pleaded strongly for better and more extensive facilities for vocational training for women particularly since the general educational system paid little regard to the needs of industry and commerce

5 271 The inadequacy of vocational training opportunities for women widens the productivity gap between men and women at all levels and makes them unwanted by the economy Training facilities when they are provided display the existing social bias regarding the suitability of particular occupations for women which leads to over concentration in a limited group of subjects

5 272 Our examination of opportunities for vocational and technical education for women is based on the following — (a) on the job training (b) pre employment training technical and professional (c) training programmes undertaken by different Government Department and voluntary organizations for developing skills and human resources We have not included professional training at the university level because as will be discussed in the next chapter there is no real evidence of discrimination or any substantial wastage of training at this level

5 273 (a) *On the Job Training* The major factor limiting women s contribution to the modern industrial sector is lack of adequate opportunities for on the job training We have already pointed out that women have been greater victims of rationalisation and modernisation in industry Some of the new industries like electronics simple engineering tele communications etc provided in service training to women with comparatively higher educational qualifications In spite of opportunities provided by these few industries however the disparity in opportunities available to men and women is glaring Under the Apprentices Act 1961 161 trades with 87 000 places have been located for apprentices in 101 industries 52 500 apprentices have actually been engaged against these places of which only 104 are women whose distribution in different trades may be seen in Table XLIII The bias for confining women trainees to limited group of trades is clearly visible —

TABLE XLIII

Statement Indicating the Number of Women Apprentices Under Training under the Apprentices Act—1961 (as on 31 3 74)

S No	Designated Trade	No of Apprentices
1	Book Binder	41
2	Compositor Hand	21
3	Clerk General	16
4	Book Keeping & Accountancy	1
5	Sales Assistant	6
6	Hotel Clerk/Receptionists	2+2
7	House Keeper	6
8	Laboratory Assistant	1
9	Sheet Metal Worker	3
10	Grinder	1
11	Draughtsman Civil	3
12	Others	1
	Total	104

5 274 Representatives of trade unions informed us that the training provided to workers for handling new machinery in different industries seldom extends to women except in the few specific industries like machine tools telecommunications and electronics in which women s greater aptitude for particular operation has already been recognised[39]

39 Vide Supra Para 5 197 for a detailed discussion

agencies like the Kasturba Memorial Trust, Visva Bharati, Jamia Milia and various schools of social work. They are mostly pre-service or in-service training for these cadres, fully financed by Government.

(iii) The programmes by the Kasturba Memorial Trust, Visva Bharati and Jamia Milia, have displayed considerable inventiveness in developing new types of cadres for working in rural areas.

(iv) The Indian Council for Child Welfare also runs 27 centres in different parts of the country for pre-service and in-service training for bal-sevikas. The training is financed by the Government.

(v) The Ministry of Health has training programmes for Health Visitors and auxillary nurse midwife for developing health services, both rural and urban areas.

5.284 The Ministry of Food and Agriculture has also organised 22 community canning and food preservation centres. There are four institutes of catering technology and applied nutrition in the country. Though not exclusively for women. they train some women. Under the co-ordinated programme for community development, training is given in selected productive activities like kitchen-gardening, poultry keeping, dairy science etc.

5.285 The Ministry of Home Affairs has a scheme for training of women and children of Central Government employees belonging to the low income groups. There are 62 centres under this scheme. Training is provided in cutting, tailoring and embroidery. Students are recommended as private candidates for the diploma courses of the Industrial Training Institutes. Some home employment is provided to these women through Government contracts.

5.286 Similar programmes have been initiated in a few of the States by the Department of Welfare, Labour, Industry, and Education for training mainly in sewing, embroidery, handicrafts and tailoring.

5.287 We visited a number of these training centres. In our view, much of this well-meant effort ends in futility, because they are not linked to production and marketing. The bias for traditional or home crafts limits their scope since the indigenous markets for these products are now on the decline, and marketing, both internal and for export. is mainly in the hands of intermedieries. Strangely even the Government Emporiums are also dealing through middlemen and do not buy directly through the production centres, even though the latter are financed by Government. Even without these handicaps, the scope of the programmes are so limited that they can only make a marginal impact on the employment needs of women. Another difficulty lies in the multiplicity of agencies engaged in this work, leading often to duplication and over-concentration in a few areas, leaving the large areas of the country completely untouched.

5.288 It is unfortunate that though the training programmes developed by welfare and other developing agencies have shown greater understanding of the employment needs of women, their efforts suffer from lack of adequate resources and co-ordination. In our view, better degree of planning, co-ordination and redistribution of responsibilities in these fields would prevent considerable wastage of resources and instil a greater sense of urgency and productivity in these schemes for improving women's earning power.

(c) *Special problems of working women*

(i) Part-time Employment :

5.289 While part-time employment presents a partial solution of the employment needs of many women, there is no generally accepted definition of such types of employment in terms of hours, remuneration and other facilities. The ILO described two occupational categories which employ the largest number of part-time workers in both developing and developed countries, cleaning and related work—both in private households and institutions, and professional and technical services. Other areas where part-time work is common are agriculture and commerce and manufacturing, particularly in consumer goods industries. The available statistical data does not make it possible to obtain an accurate picture. Since the arrangements for part-time employment are largely determined by the nature and pressure of work, it can only be conceived within the framework of the broader policies guiding and governing the integration of women in economic life.

5 290 In response to the ILO's enquiry regarding the possibility of providing part-time

time employment

5 291 Such views ignore the repeated advice of expert bodies like the ILO or the National Committee on Women's Education in India and reflect the attitude of employers and workers who fear the invasion of the labour market by part-time workers Part of this apprehension is also due to the difficulties in making administrative arrangements for such workers It should be noted that this kind of resistence is found mainly in the organised sector whose wide structure, labour policy and legal provisions are geared to the needs of full-time workers only In the unorganised sector, part-time employment is very much of a reality As we have pointed out earlier, very little is known about dimensions of this group either in numbers or in the nature of their problems The studies conducted by the ILO in 1952 and 1962, referred to the serious gaps in national information regarding employment opportunities, number and characteristics of persons engaged in or seeking part time employment The International Labour Conference recommended that surveys need to be conducted in cooperation with employers and workers, regarding the scope of part-time employment

5 292 The International Labour Conference resolution concerning part time employment and the employment of older women, adopted at the 38th session in 1955, drew attention to the basic principles that it should not adversely affect full time employment and general level of wages, contrary to the provision of the Convention on Equal Remuneration It further mentioned that adequate attention should be paid to the conditions of employment with particular reference to the need of equality of opportunity and treatment with full time workers, equality of remuneration and rights in respect of holidays with pay, sick leave and maternity leave, and adequate social security protection Obviously these points raise many problems in practice — because of the absence of adequate information relating to the demand and the opportunities for part-time work, needs and preferences for such work and the size and characteristics of part-time workers

[illegible] es the need scope as well as prob- [illegible] among women already in full time [illegible] conducted by the Tata Institute of [illegible] found 74% of the women reluctant to accept part-time employment because of its low remuneration Such responses are obvious when it is noted that one third of the respondents earned 50% of their family income Some were either the major or the only source of income of their respective families

5 294 For women who need employment to augment the families income, and whose inability to arrange child care or home responsibilities, make full time employment a burden on their physical and mental resources, part-time employment could be a boon provided it carried adequate remuneration and greater security and protection than it does at present The first step to provide support to such women is to investigate the existing models of part-time employment prevalent in the unorganised sector and to provide legal and social support against their exploitation We have been informed that the National Labour Institute proposes to initiate some experiments in offering part-time employment to women workers

5 295 We suggest that an all-India survey should be undertaken to investigate in which areas and in what manner part-time employment of women, is possible keeping in view their special problems Availability of this data will help in adopting legal measures which will provide security of some employment benefits

(ii) Problem of Re-entry

5 296 The ILO has drawn attention to the problem of re entry into employment after a lengthy absence mainly caused by family reasons Some countries have already provided safeguards for working mothers protecting their right to employment in jobs previously held or comparable ones, for a stipulated period of absence on prolonged maternity leave

5 297 The ILO's questionnaire regarding adoption of an international instrument on this issue "evoked high proportion of negative replies, and of replies giving strictly qualified

agreement"[40]. Most countries felt that in the early stages of social and economic development, an absolute commitment of this kind would not be justified as it may affect women's employment opportunities in an adverse manner, more so in the case of labour surplus economies, where law of supply and demand plays a decisive role. The general reaction from most Governments suggests that there would be considerable resistance to any uniform measure on this issue. Labour shortage economies may find it necessary to attract women into industries. But most countries believe that any such pressure may create resentment in the male labour force as discrimination.

5. 298 The Government of India while supporting such policies as an ultimate objective felt that "in developing countries the more pressing problem is the expansion of employment opportunities for the vast numbers of the unemployed and the under employed. This must inevitably be a prior pre-occupation of all policies in these countries[41]."

5. 299 Re-entry after a prolonged absence caused by definite withdrawal from employment for family reasons may pose a greater problem, particularly in white collared jobs and professions. Technological, scientific and organisational development during the period of their absence tends to make the previous experience of such women obsolete.

5. 300 It should be noted that this type of withdrawal and return to employment is found mainly among middle and upper class women. Working class women, whose survival depends on their earnings cannot afford such behaviour. With greater acceptance of small family norms and higher cost of living, the need for such return to active economic participation will increase for both economic and social reasons. In our opinion, provision for part-time employment will reduce the problem of lack of continuity in such cases.

(iii) Problem of late entry

5. 301 Such measures, however, cannot solve the problems of women who seek employment at a later age without previous experience, primarily for economic reasons. Loss of financial support, due to widowhood or separation from husbands make their need for employment more acute. In many cases such women also lack educational qualifications. The condensed courses have tried to meet their educational problems to a certain extent, but unless the age limit for recruitment for this group is relaxed, it would be difficult to solve their employment problems.

5. 302 A great necessity for all these groups is assistance and counselling for placement and training. The present employment service is ill-equipped for such assistance. Special efforts will have to be made to provide adequate information and assistance to such women seeking work. It will also necessarily combat existing prejudices among employers and workers against them.

(iv) Child care service

5. 303 The need for child care services for employed women has already been accepted though legal provision for it has been made only for women in organised industry. No such arrangements are available for women working in offices or the vast mass of women employed in the unorganised sector.

5. 304 During our tours, groups of working women, particularly in the urban areas, referred to the great difficulty which they experienced in the absence of creches of day nurseries for their children. Women office workers in the urban areas, do not enjoy any facilities of this kind for the care of their children during their working hours. The few private creches of nurseries, being operated by voluntary organisations or individuals, are highly inadequate and generally, too expensive for women who need them most. A suggestion that was made to us by many office workers was to provide a room in offices where children could be looked after. Many of them were even prepared to make necessary arrangements to provide an attendant out of their own resources.

5. 305 In big cities, where the problem of distance and over-crowding on public transports makes it difficult for women to carry their children to their place of work, the best solution lies in community or neighbourhood creches in the residential areas. The urgency of providing these institutions have been repeatedly emphasised by all expert bodies studying problems of women's employment. The ILO has suggested that governments should take

40. Women Workers in a Changing World Part—2, p. 133.

41. Ibid, p. 15.

steps to co-ordinate the provision of these facilities by employers, voluntary agencies and community effort to ensure their even distribution and at least minimum standards of services

(v) Accommodation and security

5 306 The problem of accommodation has become acute for working women both in urban as well as rural areas This was emphasised in a National Seminar on Social Problems of Working Women in 1973 Educated women are reluctant to go and work in rural areas because of accommodation difficulties though efforts are being made by Government to provide accommodation to Government functionaries in education, health and other developmental services These efforts have not, however, always taken into consideration the questions of security and distance from place[42] The problem is acute for both single women who are not fully accepted by rural society, and for married women with families

5 307 In urban areas, working women living in slums face high incidence of disease and socially deviant behaviour, the primary cause of which lies in bad housing The employers responsibility for providing adequate housing is generally not fulfilled For unmarried working women some efforts have been made during the last two decades to provide hostels with the aid of voluntary agencies The Central Social Welfare Board's programme in this connection is being supported by the Department of Social Welfare, with building grants for such hostels Their numbers are, however, still very limited and they can cater to the needs only of middle class working women The problem needs to be solved by co ordinating efforts of Government, employers and voluntary agencies.

5 308 The problem of security to which women workers, particularly young ones, are exposed, has been pointed out in the reports of certain Committees of the Government and social welfare organisations A Committee of the Maharashtra Government examined the difficulties that women Government functionaries have to face, particularly in rural areas, and recommended that women functionaries posted in rural areas should be of a more advanced age A similar Committee, appointed by the Government of Karnataka, recommended posting older women as supervisory staff and involvement of senior local women, including wives of senior official The Committee of the Maharashtra Government also advised setting up of enquiry committees at divisional headquarters for investigation of such grievances of women officials on a priority basis

5 309 While we realise that these problems are essentially related to the transitional state of our society, some supportive measures to look into these difficulties and to provide assistance, is a necessity at present

(vi) Service Conditions

5 310 Both the Committees of Maharashtra and Karnataka, referred to above, recommended changes in the cadra and recruitment rules for various categories of women workers needed for developmental activities The existing rules, in their opinion, kept out "really qualified and experienced women from the purview of these posts" The Maharashtra Government has relaxed the maximum age limit for recruitment with a view to rercuiting women of greater experience for work in rural areas Possibilities for similar relaxation in other states need to be examined In Uttar Pradesh, local women are trained and posted to their own villages to ensure greater acceptance by the society

5 311 During our tours, we received complaints from various categories of women employees regarding service conditions Many of these cadres are working on an ad-hoc basis from plan to plan or sometimes even on annual extension of their services They are denied promotion opportunities and adequate pay scales This is particularly the case with women recruited for the rural development programmes of the Central Welfare Board and Department of Community Development Similar complaints of lack of promotion opportunities were made by telephone operators, clerks, typists and stenographers The representatives of the Trained Nurses Association pointed o[illegible]
sion Nurses we met during our tours also [illegible]
hours of duty, and lack of accommodation [illegible]
Midwives posted in rural areas face an additional problem of transport and security in cases of night calls

42 These problems have also been discussed in Chapter VI

5.312 There is a general feeling among many of these women workers that even where promotional possibilities exist, the claims of the women are discriminated against not only by private employers but even by the Government.

5.313 A major problem repeatedly brought to our notice was on the question of transfers. Though most of the State Government have adopted conventions, to post husband and wife to the same place, if they are both in Governments service, this has not always been possible. This convention has sometimes resulted in single women being subjected to frequent transfers causing great hardship. While we appreciate the administrative difficulties of fulfilling such a convention, frequent transfers of low paid women employees should be avoided as they cause innumerable difficulties.

5.314 Some consideration is also needed for provision of adequate transport or transport allowance to women who have to carry out touring duties. The inadequacy of this provision often results in inefficiency. The assistance of local authorities, including local self-governing bodies, could be obtained to provide suitable accommodation during night halts for these touring officials.

5.315 While we realise that many of these difficulties may be inevitable in a transitional situation, it is our belief that a commitment to the national objective of integrating women into the process of devolopment at all levels can help to solve them in due course. The constitutional guarantees and the objectives of the nation, require acceptance by the society of the multiple roles of women as home makers and mothers as socially and economically productive in the same manner as direct participation in the economic process. It is, therefore, imperative that society in general, and the State in particular, provide the necessary conditions and support to enable women to perform their various roles successfully. As citizens they deserve the protection of society. Marriage and motherhood, which contributes to the continuation of the nation should not become disabilities in the gainful participation of women in the economic process. Without the type of supportive services and institutionalised aids suggested above. these dual roles will continue to impose a tremendous strain on the physical and mental resources of women. It will also affect the walfare and development of the future generation through inadequate care in childhood.

Conclusion and Recommendations

5.316 The Indian Constitution guarantees equality of oppoitunity in matters relating to employment and directs the State to secure equal rights to an adequate means of livelihood, equal pay for equal work, and just and humane conditions of work. Our Labour Laws concerning women reflect the attitude of protection and welfare through provision of maternity benefits, creches and restriction on types of work that are considered unsuitable to their health. Though the Government of India ratified the ILO Conventions regarding equal remunerations and against discrimination, this shifting emphasis towards equality and greater employment opportunities has not as yet found reflection in Indian laws. Executive actions initiated in this direction, have made some impact in the organised sector, but in the vast unorganised sector no impact of these measures have been felt either in conditions of work, wages, or opportunities.

5.317 The impact of transition to a modern economy has meant exclusion of an increasing number and proportion of women from active participation in the productive process. A considerable number continue to participate for no returns and no recognition. The majority of those who do participate fully are on sufferance, without equal treatment, security of employment and humane conditions of work. A very large number of them are subject to exploitation of various kinds with no protection from society or the State.

5.318 'Adequate means for livelihood' or employment is the chief objective of development. There has been little progress in the achievement of this right for both men and women, but estimates of employment and under-employment clearly indicate that the position is worse for women. While the Constitution has guaranteed equal rights, the measures initiated since independence to remove women's disabilities and handicaps, particularly in the field of economic participation, have proved to be extremely inadequate.

5.319 While the draft Fifth Five Year Plan emphasises the need to utilise all idle manpower to speed up tee process of development, its priorities for women's development omits employment generation as a specific objective. It is assumed that the ratio of females to males in the labour force will remain constant at 16% for the next years, visualising no structural changes by which a greater participation of women in the productive process can be ensured.

5 320 The experience of some countries has shown, that it is possible by public policy to accelerate women's employment in new areas of work, by finding solutions to their problems of family life and child care These countries see no necessary contradiction between encouraging women's work at all levels and maintaining laws protecting women's health and welfare, in view of their role as mothers What is more distinctive about socialist countries is the effective institutionalisation of the rights of a working mother by protecting her right to return to her job

5 321 While several factors have handicapped Indian women from being effectively integrated into the process of development, the lack of a well defined policy indicating areas where they require special assistance and protection leave them withou[illegible]
employment The replies received to our question regarding
women in various concerns, indicate the continuation of
[illegible], and suitability that debar them from employment
[illegible] result of this restrictive confinement of women to
[illegible] indicate that while there is a definite policy for
[illegible]obs, the criteria for determining their unsuitability
[illegible]ies declare them to be unsuitable for technical as well as manual jobs, others declare them to be unsuitable for managerial and administrative jobs as well as unskilled work, yet another group finds them unsuitable for field duties The general tendency appears to be, to find them unsuitable for all jobs other than clerical The
[illegible]ain teaching posts,
[illegible]nen The Defence
[illegible] Judge, Advocate General which involves no combatant duties We have pointed out many industries and administrative agencies where women have been found to be suitable for all these types of work.

5 322 The objective of a labour market policy is full, productive and freely chosen employment. Recasting the employment policies for women requires re examination of existing theories regarding their suitability for different types of work on scientific lines, and a deliberate effort to promote equality of opportunity by special attention to women's disabilities and handicaps The recommendations that we make are directed towards making the Constitutional guarantees meaningful and for arresting the trend towards gradual exclusion of women from their right to a fuller participation in the economic process

5 323 *We therefore recommend* 1) the adoption of a well defined policy to fulfil the Constitutional directives and Government's long term objective of total involvement of women in national development Such a policy should be framed by a Government Resolution

This policy will need to be implemented carefully to avoid evasion by direct or indirect methods Apart from specific occupations from which women are debarred by law, employers should not be permitted to exclude them from any occupation unless the basis for unsuitability is clearly specified

2) the creation of a cell within the Ministry of Labour and Employment at both Central and State levels under the direction of a Senior Officer to deal with problems of women

3) We further recommend the following changes in the existing laws

A Maternity Benefits Act 1961

5 324 (i) This Act should be extended to all industries not covered by the Act at present and the provision of maternity relief ensured by the creation of a Central Fund by levying contributions from employers[1] The administration of the Fund should follow the pattern already established by the Employees State Insurance Corporation

(ii) The Act should also cover agricultural labourers in the same manner as suggested for other industries To facilitate its implementation, the Central Fund should also include a [illegible] quantum depending upon the size of
[illegible] Tax by the Committee on Taxation

(iii) The anti-retrenchment clause already included in the Employees State Insurance Act 1948 should be incorporated in the Maternity Benefits Act

1 This has also been recommended by the National Commission on Labour.

(iv) For women retrenched for short periods and reemployed on the same jobs, the period of unemployment should not be treated as discontinuation of service for their eligibility for this benefit. For casual labour, a minimum of 3 months of service should be considered as qualifying them for this benefit.

(v) As decided by the Supreme Court in the case of bidi workers, the provision of of maternity benefits should be extended to home workers in all other industries.

(vi) In order to eliminate unjust denial of maternity benefits, scrutiny of applications should be done by a Committee of the management and trade union representatives. The latter should preferably include a woman. This will provide greater incentive to women workers to participate in trade union activities.

(vii) The penalties for evasion of this law should be made more stringent.

(viii) The system of paying cash benefits in a lump-sum sometimes gives rise to inadequate attention to the nutritional needs of the mother and the child. Payment of maternity benefits should be made in two instalments, before and after confinement, as already privalent in many industries.

B. Provision of Creches

5.325 (i) The present limit of 50 women workers for the application of this provision under the Factories Act should be reduced to 20.

(ii) Women employed as casual labour or as contract labour should be entitled to share this benefit.

(iii) Wherever there is a demand, a day-centre should be provided for keeping small children for other groups of women workers e.g. workers in offices, hospitals, shopes and commercial establishments.

(iv) As far as possible, creches should be established near the residence of women workers rather than the place of work. The ideal arrangement, in our view, would be neighbourhood creches. This will benefit women in all occupations, both in the organised and unorganised sector.

C. Working Time

5.326 Permission to work up to 10.00 P.M. should be granted provided arrangements for transport and security are made.

4. We further recommend

Effective implementation of the Maternity Benefits Act in all states, and the extension of the Employees State Insurance Scheme to those areas which are not covered by it at present.

5. Equalisation of wages

(i) *We recommend* legislative enactment of Article 39 (d) of the Constitution—equal pay for equal work—to add the weight of legal sanction to what is only a policy at present.

(ii) We further recommend incorporation of this principle in the Minimum wages Act.

6. Integrated development of training and employment

(i) *We recommend* reservation of a definite quota for women for training within the industry in order to arrest their retrenchment as a consequence of modernisation.

(ii) A similar quota should be reserved for women for training of apprentices under the Natienal Apprentices Act.

(iii) *We further recommend* developing programmes of vocational training in close relationship with industries and resources located in the area. Links with possible employing agencies have tc be developed from the beginning so that the training does not end in futility.

(iv) As recommended by the Committee of the All India Council for Technical Education, Polytechnics for women should include a production centre with assistance from the Small Scale Industries Department of the State concerned.

(v) Development of training programmes in production and market organisation to develop self employment

(vi) Special efforts have to be made to develop vocational training for both illiterate and semi-literate women workers

(vii) *We further recommend* development of training cum-production centres in small scale or cottage industries in both rural and urban areas to provide employment to women near their homes

7 Part time Employment

We recommend specific provisions for part time employment of women by suitable revisions in recruitment rules and service conditions *We also recommend* detailed investigation of areas where part-time employment could be generated by agencies like the Directorate General of Employment and Training, the Institute of Applied Manpower Research, the National Council of Applied Economic Research etc Such studies should include examination of existing avenues for part-time employment viz, in the unorganised industries and occupations

8 Employment Information

We recommend expansion of the national employment service, particularly in rural areas, and the development of a women's cadre in the service to provide employment information and assistance to women

9 Provision for Re-entry

We recommend that provision for special leave without pay, subject to a maximum of 5 years during service, should be made in all occupations, in order to enable women to devote full time for the care of their family Their lien should be protected

10 Enforcement of laws protecting women workers

We recommend increase in the number of women on the inspectorate of different labour departments as well as provision for women welfare officers wherever women are employed

11 We further recommend

(i) That trade unionists and labour leaders should take steps to organise labour unions in the field of agriculture and other industries where such organisations do not exist at present

(ii) Formation of women's wings in all trade unions, to look after the problems of women workers and to improve women's participation in trade union activities

CHAPTER VI

EDUCATIONAL DEVELOPMENT

6.1 Emphasis on different arguments justifying the value and necessity of education from the point of view of the individual as well as society has varied according to the historical needs of any society in different stages of its evolution. The first argument regards education as a value in itself, since it develops the personality and the rationality of individuals. The assumption here is that society, recognising the innate value of rationality and learning, accords a high status to the educated. The second argument emphasises the usefulness of educated persons to society at large. Their knowledge, by serving a social purpose, raises their status in society. From the point of view of the individual, education provides the necessary qualification to fulfil certain economic, political and cultural functions and consequently improves his socio-economic status.

6.2 With the recognition of the need to direct the process of social change and development towards certain desired goals, education has come to be increasingly regarded as a major instrument of social change.

> "The realization of the country's aspirations involves changes in the knowledge, skills, interests and values of the people as a whole. This is basic to every programme of social and economic betterment of which India stands in need......If this 'change on a grand scale' is to be achieved without violent revolution (and even for that it would be necessary) there is one instrument, and one instrument only, that can be used: Education."[1]

6.3 One of the expectations from this directed use of education is that it will bring about reduction of inequalities in society, on the assumption that education leads to equalisation of status between individuals coming from hitherto unequal socio-economic strata of society.[2] It was on this argument that the Universal Declaration of Human Rights included education as one of the basic rights of every human being.[3] The Constitution of the UNESCO directs its efforts to achieve 'the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social'.

Education and women's status—The 19th Century View.

6.4 The history of the movement for improving women's status all over the world shows emphasis from the beginning on education as the most significant instrument for changing women's subjugated position in society. Increase of educational facilities and opportunities, and the removal of traditional bars on entry of women to particular branches and levels of education, came to be supported by all champions of women's emancipation from the 19th century onwards. Social reformers in India, whether they were modernising liberals or revivalists, also emphasised the crucial importance of education of women to improve their status in society. However, when we look into their justification for this departure from the tradition then prevalent in the country, we notice certain significant omissions. According to the reformers, the main purpose for educating women was not to make them more efficient and active units in the processes of socio-economic or political development, but to make them more capable of fulfilling their traditional roles in society as wives and mothers. The opposition of the orthodox conservatives was countered by the argument that women's education would strengthen the bonds of tradition and the family as the chief unit of social organisation. In their view, the denial of education and early marriage prevented the development of the personality and rationality of women. Stunted and crippled personalities affected the harmony of the family atmosphere, weakening the bonds of the family.[4] Education

---

1. *Education and National Development*, Report of the Indian Education Commission, Chapter 1 p. 7.8.
2. Ibid 18-19.
3. "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit."—Universal Declaration of Human Rights-Art. 26 p.
4. This comes out very clearly in the prolonged debate on Women's education carried on in the leading newspapers and journals of the period and in the writings of the 19th century reformers.

for women was regarded as a means to improve their status within the family, and not to equip them to play any role in the wider social context The absence of any economic compulsion was, in fact, the main reason for the slow progress of women's education in this country [5]

6 5 Because of their reluctance to interfere in social matters, the colonial authorities generally supported this purely humanitarian and limited view of women's education The problem of reaching education and health services to the women of this country led to a realisation of the need for women teachers and doctors Since this was not possible without training women in these professions the importance of these two vocations outside the familiar roles had to be incorporated in the programmes for women's education

Post Independence Era—New Roles and Rights.

6 6 In the discussions on women's education in the post-independence era, a new dimension appeared due to the acceptance of equality of women and their need to play multiple roles in society

> "The general purpose and objective of women's education cannot, of course be different from the purpose and objective of men's education At the Secondary and even at the university stage women's education should have a vocational or occupational bias " [6]

> "In a democratic society where all citizens have to discharge their civic and social obligations, differences which may lead to variation in the standard of intellectual development achieved by boys and girls cannot be envisaged " [7]

> "In the progressive society of tomorrow, life should be a joint venture for men and women Men should share the responsibility of parenthood and home making with women and women in their turn should share the social and economic responsibilities of men " [8]

6 7 The emphasis on education equipping women to carry out their multiple roles as citizens, house wives, mothers, contributors to the family income and builders of the new society is consistent with the trend of discussions in international agencies on women's education as a basic ingredient for improvement of their status

Traces of Ambivalence between old and new views

6 8 In spit[illegible] women's education, traces of the earlier view w[illegible] their roles as wives and mothers without conce[illegible]n other spheres of life, can still be found not only in the opinions of individuals, but even in the statements of official agencies

> "*Women s and men s education should have many elements in common, but should not in general be identical in all respects, as is usually the case today* A woman should [illegible]arriages, and in the [illegible]er education should [illegible] *in meeting them* so that she may take her place in a home with the same interest and the same sense of competence that a well trained man has in working at his calling " [9]

6 9 An understanding of this ambivalence between the traditional and the new attitudes on women's education is essential for examining the progress of women's education in this country, because it has an impact on academic planning, allocation of resources and development of values in society for both men and women It lies at the root of all discussions regarding differentiation of curricula between the two sexes and continues to affect social attitudes regarding women's education its social use and women's roles in society This in

---

5 Majumdar R C—*British Paramountcy & Indian Renaissance* p 289 quoting Rev Krishna Mohan Bandopadhyaya

6 *First Five Year Plan*—Government of India 1951 Chapter XXXIII

7 *Report of the Secondary Education Commission*-Government India 1953 Chapter IV

8 *Report of the Committee on Differentiation of Curricula for boys and girls* Government of India 1954 Chapter IV

9 *Report of the University Education Commission 1949* Government of India Chapter 12

turn has an impact on the class composition of women who are recipients of education. The achievements or the failures in the use of this instrument for transforming women's status have to be measured by these social indicators as well as quantitative ones like enrolment out-turn, number of institutions and teachers, literacy rates and total stock of educated women at different levels and in the light of the stated national objectives.

> "The educational system must produce young men and women of character and ability committed to national service and development. Only then will education be able to play its vital role in promoting national progress, creating a sense of common citizenship and culture and strengthening national integration."[10]

Progress of Women's Education in India: The Formal Education System.

6.10 The Constitution of the Republic of India guarantees equality of opportunity to all citizens irrespective of race, sex, caste and communities and directs the State to "Endeavour to provide within a period of ten years from the commencement of this Constitution for free and compulsory education for all children until they complete the age of 14 years"[11] The Indian Education Commission in its Report (1966) regretted the failure to achieve this target. It emphasised the crucial importance of fulfilling this directive in the coming decades. In view of the immense resources needed for this purpose, the Commission recommended phasing of this programme in the following manner;—

—"by providing five years of effective education to all children by 1975-76 and seven years of such education by 1985-86;

—by making part-time education for about one year compulsory for all children in the age group 11-14, who have not completed the lower-primary stage and are not attending schools. The aim will be to make these children functionally literate and stop all further additions to the ranks of adult non-literates; and

—by efforts to liquidate adult illiteracy."[12]

6.11 The following review will indicate that even the targets recommended by the Education Commission have not been achieved, particularly in the case of women. The enrolment targets set for the Third Plan by the National Committee on Women's Education (1959) were equal numbers with boys in the age group 6-11, at least half that of boys in the age group 11-14 and least one-third that of boys in the age-group 14-17. As indicated in Table I the targets for the age groups 6-11 and 11-14 have not been reached even at the end of the Fourth Plan. The expected proportion of one-third in the age group 14-17 set for the Third Plan has however been exceeded slightly by the end of the Fourth Plan. The Fifth Five Year Plan notes that in spite of substantial progress in the expansion of educational facilities, the targets laid down for both elementary and secondary education registered a shortfall in enrolment, while those in higher education were exceeded. "But shortfalls have been particularly large in the case of elementary education, more so in the case of girls".[13]

6.12 Educational experts now admit that the delay in the achievment of the Constitutional directive is mainly due to the slow progress of education among girls, scheduled castes and scheduled tribes. The discrepancy in the progress of education between boys and girls may be seen in the marked difference in the percentage of boys and girls of the corresponding age groups enrolled in primary, middle and secondary schools.

Development in the Pre-Independence period:

6.13 The foundations of the formal system of education, sponsored and supported by the State, and divided into three well-defined stages (primary, secondary and university) and two main streams (general and vocational) were laid during the first half of the nineteenth century. It was created essentially for men with the ultimate objective of utilising them as government servants. In the initial years girls had little or no access to it, partly because of the traditional prejudices against their formal education and partly because society at that time could not imagine them as government servants. However, as the formal system of education began to spread, the role of education as a liberating influence came to be recognised and increasingly accepted. Thus began the advocacy of the access of girls and women to the formal

10. National Policy on Education-Government of India 1967.
11. Article 45.
12. Op Cit— Para 5.3.
13. Draft Fifth Five Year Plan 1974-79, p. 191.

TABLE I

Enrolment Targets and Achievements in the Fourth Plan[14]

(Figures in lakhs)

Age group Classes	1968 69	1973 74* (Target)	1973 74 (likely position)
(0)	(1)	(2)	(3)
6 11/I-V			
boys	342 10(93)	412 50(105)	393 53(100)
girls	201 70(57)	273 30(73)	244 01(66)
total	543 89(76)	685 80(90)	637 54(84)
11-14/VI-VIII			
boys	87 11(45)	121 90(56)	104 92(48)
girls	33 40(18)	59 10(29)	45 37(22)
total	120 51(32)	181 00(45)	150 29(36)
14 17-18/IX-XI/XII			
boys	50 90(29)	70 00(35)	61 60(31)
girls	17 40(10)	26 90(14)	23 40(12)
total	68 30(20)	96 90(25)	85 00(22)
17 23/university stage			
total	16 90(2 9)	26 60(3 9)	30 00(4 4)

*In the case of secondary and university education these are estimates

Note Figures in parenthesis indicate enrolment as percentage of the relevant age group

TABLE II

Enrolment in primary education as percentage of the population in the corresponding age groups

Year	Primary stage classes (I IV)			Middle stage (classes V VII)		
	Boys	Girls	Total	Boys	Girls	Total
1950-51	55 0	20 1	37 8	20 8	4 6	13 0
1955 56	59 5	25 0	42 6	25 6	6 9	16 5
1960 61	74 0	35 0	54 8	35 5	12 5	24 3
1965 66	90 2	47 6	69 2	49 9	20 7	35 6
1970 71	109 8	68 6	89 7	66 7	33 0	50 7
1975 76 (Estimated)	109 7	97 2	106 4	81 9	55 7	69 2

*includes repeaters and other average students

Source—Ministry of Education Government of India

TABLE III

Secondary Stage

Year	(Classess VII to X)			(Classes IX to XI)		
	Boys	Girls	Total	Boys	Girls	Total
1950 51	10 9	1 8	6 5	3 3	0 5	1 9
1955 56	14 9	3 3	9 3	5 2	0 9	3 1
1960 61	20 8	5 4	13 1	8 0	1 6	4 9
965 66	28 7	9 1	19 1	11 5	2 3	7 0
970 71	34 2	12 2	23 4	14 6	3 5	9 2
975 76	40 8	16 9	29 1	17 0	4 8	11 0

ource—Ministry of Education Government of India

14 It should be noted that the targets of Planning Commission for the IV Plan were considerably ar
n these set by the National Committee on Women s Education

system of education spearheaded by national leaders, missionaries and a few enlightened officials. It received little response. Only a few thousand girls, mostly belonging to urban upper and middle class families entered the formal system of education between 1850 and 1870. As women teachers became available and social forces like a rise in the age of marriage urbanisation and the demand for educated wives began to gather momentum during the last hundred years, this movement steadily grew and today the total enrolment of girls in the formal system of education at all stages and in all streams, is more than thirty-two millions.

6.14 The movement naturally began in the cities, and then spread to the towns and villages. It began among the Christians, Anglo-Indians, Parsees and upper caste Hindus. Wealth played an ambivalent role; while middle class families were generally more favourable to the education of girls, some of the richer and more aristocratic families remained aloof and do so even today.

6.15 The mass awakening during the freedom movement, and the role that women played in the struggle had a great impact on women's education, and it began to increase at a much faster pace. In 1854, the total enrolment of girls in the formal system was only about 1,97,000 all in primary schools. But over the following nine decades, it grew significantly as indicated in the following table:

TABLE IV

Education of Girls and Women in Pre-Independence Period

Year	*Percentage of literacy for women*	*Enrolment of girls in* *Primary Schools*	*Secondary Schools*	*Colleges & Universities*	*Other Institutions*	*Total*
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1881-82	0.2	124,291	2,054	6	515	127,066
1901-02	0.7	344,712	9,075	256	2370	365,413
1921-22	1.8	1186,224	26,163	905	10,836	1224,128
1946-47	6.0	3475,165	602,280*	23,207	56,090	4156,742
No. of girls enrolled per 100 boys		36	22 for middle schools 14 for secondary schools	12 for general education 7 for vocational education.	12	30

*This includes 3,21,508 girls enrolled in middle schools. The enrolment in secondary schools proper is thus only 2,80,772.

Source: Min. of Edu. Government of India.

6.16 The expansion of women's education began at the primary stage and was mostly confined to it for quite some years. In 1947, 83% of all girls enrolled were in primary schools (about half of them in class I only). Expansion at the secondary stage was slow to start and slow to spread. In 1947, only 7% of all girls enrolled were in secondary school. However, contrary to what happened in Western countries, the admission of women to Indian Universities presented no problem. Calcutta University permitted women candidates to appear for the Entrance and B.A. examinations as early as 1877 and 1878 respectively. Bombay University followed in 1883. The first two women graduates of Calcutta received their degrees in 1883, the year of the University Silver Jubilee. Congratulating them and the University for 'this memorable event', the Vice Chancellor described it as a paving stone to "A general recognition of the right of the women of this country to education, and of the duty of the men of this

country to provide it from them "[15] Even with the removal of the ban, the spread of higher education among women remained slow In 1947 the total enrolment in higher education was only about 23,000 which was 1/2% of all girls enrolled in the educational system

Development in the Post-Independence Period

6 17 Since independence, the education of women at various levels has expanded more rapidly but is still far from satisfactory

TABLE V

Education of Girls and Women in the Post-Independence period

Year	*Enrolment of girls in*			
	Primary School Classes (I-V)	*Middle School Classes (VI-VIII)*	*Secondary School Classes (IX-XI)*	*Colleges and Universities (General Education)*
1946 47	34 75(36)	3 22(22)	2 81(14)	0 20(12)
1950 51	53 85(39)	5 34(20)	1 61(15)	0 40(14)
1955-56	76 39(44)	8 67(25)	3 18(21)	0 84(17)
1960 61	113 47(48)	16 70(32)	5 41(23)	1 50(22)
1965-66	182 93(57)	28 46(37)	11 72(30)	3 24(28)
1968 69	199 36(59)	34 93(39)	15 60(32)	4 32(30)
1973-74 (Estimated)	244 01(62)	45 37(43)	23 40(36)	9 00(31)
1978-79 (Projected Target)	318 90(69)	72 50(51)	31 70(39)	16 00(34)

Notes (1) The statistics of 1946-47 refer to enrolments in primary, middle and secondary [illegible] are not strictly comparable [illegible] primary stage, 3 2 lakhs at

(2) Figures in parentheses indicate the number of girls for every 100 boys enrolled

(3) *Figures in the last column relate to enrolment at undergraduate, post-graduate* and research stages in general education—arts, science and commerce courses

SOURCES :

(1) Figures for school enrolment in 1950-51, 1960 61, 1965 66, 1968-69 are from Ministry of Education, Form A

(2) Figures for school enrolment in 1973-74 and 1978-79 (target) are from 'Draft Fifth Five Year Plan, 1974-79' Vol II p 197

(3) Figures of enrolment in colleges and universities are taken from Ministry of Education, Form A, for all years up to 1968-69

Differences in the Enrolment of Boys and Girls

6 18 During the year of independence i e , 1947-48, the total number of boys enrolled at various levels of the educational system was 1,11,34,665 while the girls were only 35,50,503 indicating an excess of 75,84,162 boys over girls The following table indicates the relative expansion in the enrolment of boys and girls at all levels of the educational system

---

[15] *Calcutta University Convocation Addresses (1883)—Vol II p 465* It may be noted that London University opened its gates to women in 1878 but Oxford and Cambridge did not admit them to their degrees *till after the First World War though they were permitted to appear at the examinations at Cambridge from 1872* and at Oxford from 1884

TABLE VI

Total Enrolment in the Educational System All Levels.

Year	*Boys*	*Girls*	*Excess of boys over girls*
1950-51	1,91,42,009	64,00,763 (33)	1,27,41,246
1960-61	3,37,04,897	1,42,59,505 (42)	1,94,45,392
1970-71	5,57,12,623	3,00.30,484 (54)	2,56,82,139

(Figs. within parentheses indicate the number of girls enrolled per 100 boys).

TABLE VII

Percentage Distribution of Boys and Girls in Different Stages of the Educational System.

Year	*Pre-primary*	*Primary*	*Secondary**	*University*	*Professional schools*	*Total*
1950-51						
Boys	0.1	70.0	20.9	2.0	7.0	100.0
Girls	0.2	82.4	12.7	0.6	4.1	100.0
1960-61						
Boys	0.3	67.3	24.7	2.7	5.0	100.0
Girls	0.6	76.7	18.4	1.3	3.0	100.0
1970-71						
Boys	0.3	66.3	26.4	4.5	2.5	100.0
Girls	0.5	74.3	19.5	2.4	3.3	100.0

*(Secondary includes middle, high and higher secondary)

As already indicated in Tables II & III, the percentage of enrolment to the population in the corresponding group also shows a marked difference between boys and girls in all these years.

PRESENT POSITION[16]

6.19 In classes I-V, the total enrolment is 244 lakhs or 66 per cent of the total population in the age group 6-11. One girl out of every three is thus still out of school. What is worse, the drop-out rates are very high : of every 100 girls enrolled in Class-I, only about 30 reach Class V. In Classes VI-VIII, the total enrolment Is 45.37 lakhs or only 22 per cent of the total population in the age group 11-14. Only one girl out of 5 is at school in this age group. As universal education in the age group 6-14 is the total national objective, it is obvious that considerable headway is still to be made in the expansion of education for the age group 6-11 and especially for the age group 11-14.

6.20 The enrolment of girls at the secondary stage at present is 23.4 lakhs or 12% of the total population in the age group 14-17 (as against 31% for boys). The proportion of girls enrolled now drops down to 1 in 8. Secondary education, even now, is largely confined to the upper and the middle classes, urban areas. In the rural areas, it mainly utilised well-to-do families, particularly from the middle classes.

16. Vide Table I.

TABLE VIII

Percentage Distribution of Enrolment of Boys and Girls in Secondary Sections

Areas	Percentage enrolment of Boys	Girls	Total
Rural	83 42	16 58	100 00
Urban	71 31	28 69	100 00
Total	76 64	23 36	100 00

SOURCE : Second All India Educational Survey—National Council of Educational Research and Training, 1967 p 62

6 21 At the university stage, the total enrolment in general education, i e in Sciences Humanities and Social Science is about 9 lakhs or about 1 3% of the age group 17-23 (about 31 girl for every 100 boys enrolled) A stagewise analysis, however, shows that the proportion of women to men is higher at the post graduate than at the under graduate level and is showing a rapid increase In professional education [illegible] medicine, and fine arts, but their enrolment in [illegible] or engineering is still very small *Higher educati*[illegible] *education, to urban upper and middle classes*

6 22 The National Committee on Women's Education had reviewed the progress of women s education before, during and after independence and concluded that in spite of the direct action taken by the States for this purpose after independence, ' the education of women has not made satisfactory progress between 1947 and 1957 Even today there is a very wide disparity between the education of men and that of women and only 36 girls are under instruction for every hundred boys at schools The targets fixed for the First and Second Plan even tend to widen this disparity and the education of women has made very slow progress in rural areas where it is needed most "[17]

TABLE IX

Enrolment of Women in University Education (All Levels included)—(Faculty wise)
(U P Board included)

Year / Faculty	1950 51 Total	Women	No of women per 100 men	1960 61 Total (T)	Women (W)	No of women per 100 men	1970 71 Total	Women	No of women per 100 men
Arts	1,82,005	29,262	16 1	4,86,228	1,19,687	24 6	13,29,626	4,21 850	31 7
Science	1,27,168	9,046	7 1	3,02,700	31,696	10 5	9,48,009	1,68,540	17 8
Commerce	34,067	189	0 6	90,214	831	0 9	3,44,108	12,675	3 7
Education	4,135	1,339	32 4	19,005	6,230	32 8	56,922	20,799	36 5
Eng /Tech	12,094	19	0 16	45,389	403	0 89	90,034	910	1 0
Medicine	15,260	2 493	16 3	35,215	7,714	21 9	97,601	22,296	22 8
Agriculture	4,744	8	0 17	27,584	124	0 45	43 352	169	0 4
Veterinary Science	1,101	5	0 45	5,385	38	0 71	6 222	44	0 7
Law	13,649	290	2 1	27,251	815	3 0	70 618	2 626	3 7
Others	2 522	475	18 8	10,893	2 917	26 8	14,800	5,913	40 0
All faculties	3,96 745	43,126	10 9	10,49,864	1,70,455	16 2	30 01,292	6,55,822	21 9

SOURCE 1950 51 and 1960 61—Ministry of Education and Social Welfare U G C

17 *Report of the National Committee on Women s Education* Government of India 1959 p 182

TABLE X

Enrolment for University Education (All Faculties inclusive) Stage-wise (U.P. Board included)

Stage	Undergraduate			Post-graduate			Research			All levels		
Year	Total (T)	Women (W)	Wx 100 T	Total (T)	Women (W)	Wx 100 T	Total (T)	Women (W)	Wx 100 T	Total (T)	Women (W)	Wx 100 T
1950-5'	375,319	40,499	10.8	19,922	2,425	12.1	1,434	202	14.1	396,745	32,126	10.9
1960-61	985,872	159,491	16.2	58,909	10,170	17.3	5,083	794	15.6	1049,864	179,455	16.2
1970-71	2826,799	611,553	21.6	161,182	41,516	25.8	13,311	2,753	20.7	3001,292	655,822	21.9

*includes P, UC, PP, C.

£ Included the Research enrolment of commerce, Education, Engg./Tech. and medicine.

SOURCE : 1950-51 and 1960-61—Education in Universities in India—Annual Publication of the Union Ministry of Education and Social Welfare.

1970-71 University Development in India—Basic Facts and Figures—U.G.C.—Annual Publication.

The Committee had, therefore, strongly recommended "that the education of women should be regarded as a major and a special problem in education for a good many years to come and that a bold and determined effort be made to face its difficulties and magnitude and *to close the existing ga*p between the education of men and women in as short a time as possible; that the highest priority should be given to schemes prepared from this point of view; and the the funds required for the purpose should be considered to be the first charge on the sums set aside for the development of educatson."[18] Following this recommendation, efforts to bridge the gap between boys and girls in education were stepped up from 1960. The growth rate of boys' and girls' enrolment at different levels in the next quinquennium again indicates slackening of the efforts.

TABLE XI

Quinquennial Growth in Enrolment by Stage Education—1960-61 to 1970-71.

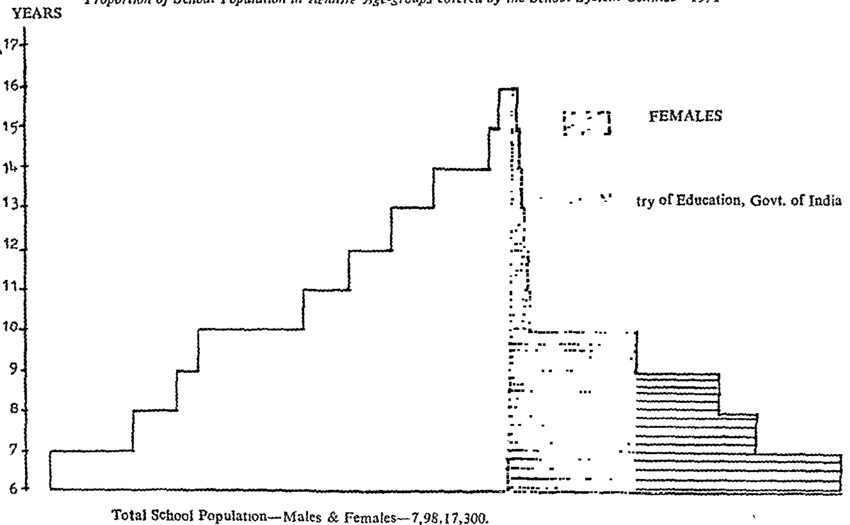
Stage	1960-61 to 1965-66 Quinquenhial growth rate			1965-66 to 1970-71 (75) Quinquennial growth rate		
	Bhys	Girls	Total	Boys	Girls	Total
Pre-Primary	45%	43.9%	47.0%	29.9%	19.0%	24.8%
Primary	34.9%	56.1%	41.8%	20.6%	30.7%	24.2%
Secondary	49.7%	70.6%	54.7%	18.2%	30.5%	21.5%
University	76.3%	119.4%	83.5%	57.3%	78.4%	61.5%
Professional and special school.	16.5%	74.6%	1.6%	3.9%	34.6%	9.3%
All Stages	37.1%	60.1%	44.0%	20.5%	31.5%	24.2%

6.23 It is to be noted that the rate of growth is much higher in the university and the vocational stages than in the primary and secondary stages. Interpreted in the context of Indian social conditions, this indicates that the expansion of women's education is much faster when the beneficiaries are from the urban middle class.

18. Ibid p. 38.

Chart No. I

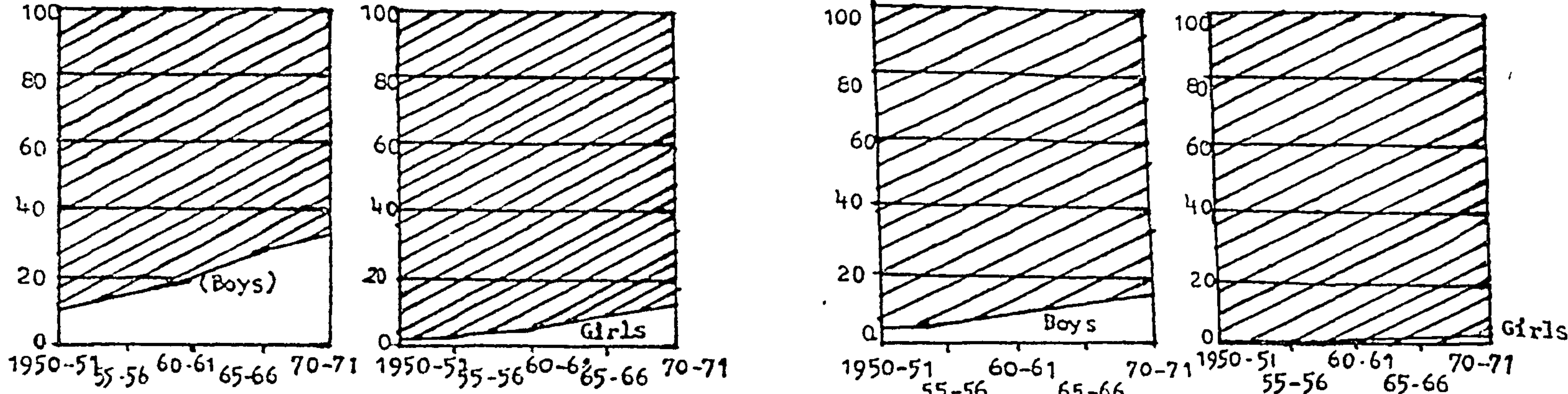
Proportion of School Population in Relative Age-groups covered by the School System Sexwise—1971

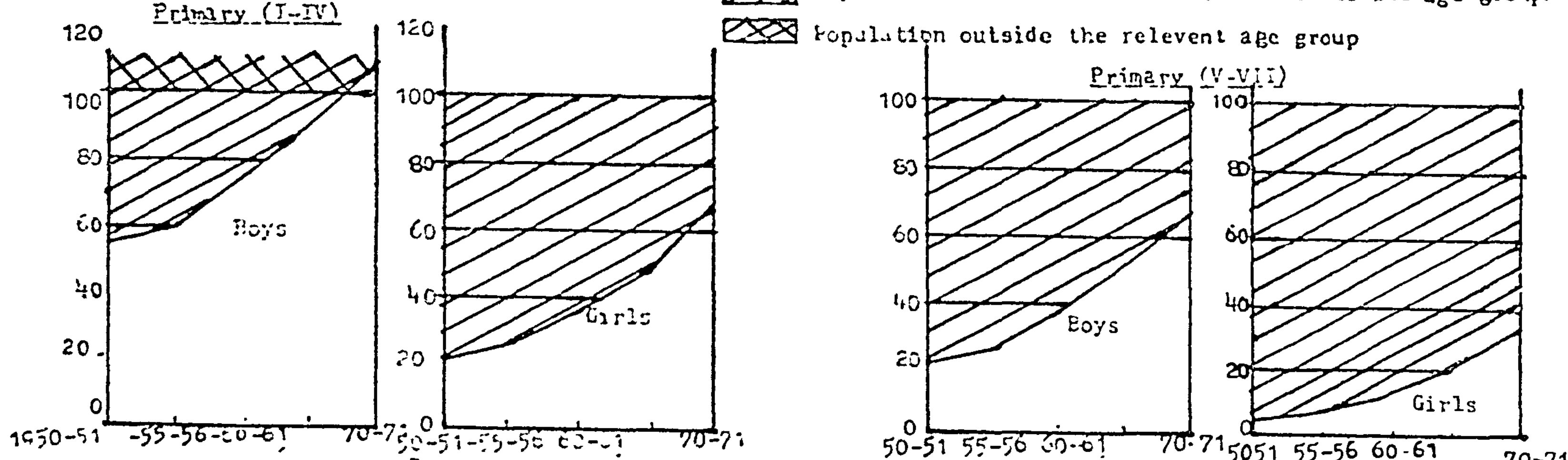


Total School Population—Males & Females—7,98,17,300.

Chart—II.

Enrolment as Percentage of Population in the Corresponding Age Group :

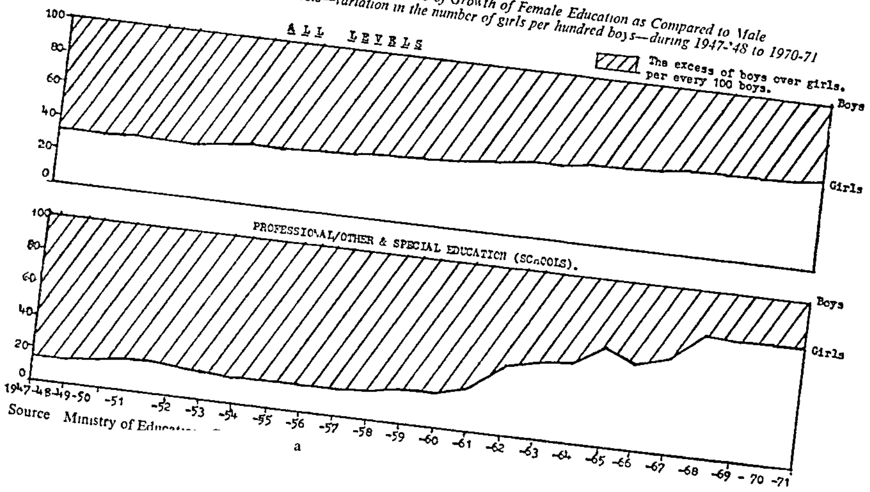




Source : Ministry of Education, Govt. of India.

Chart—III

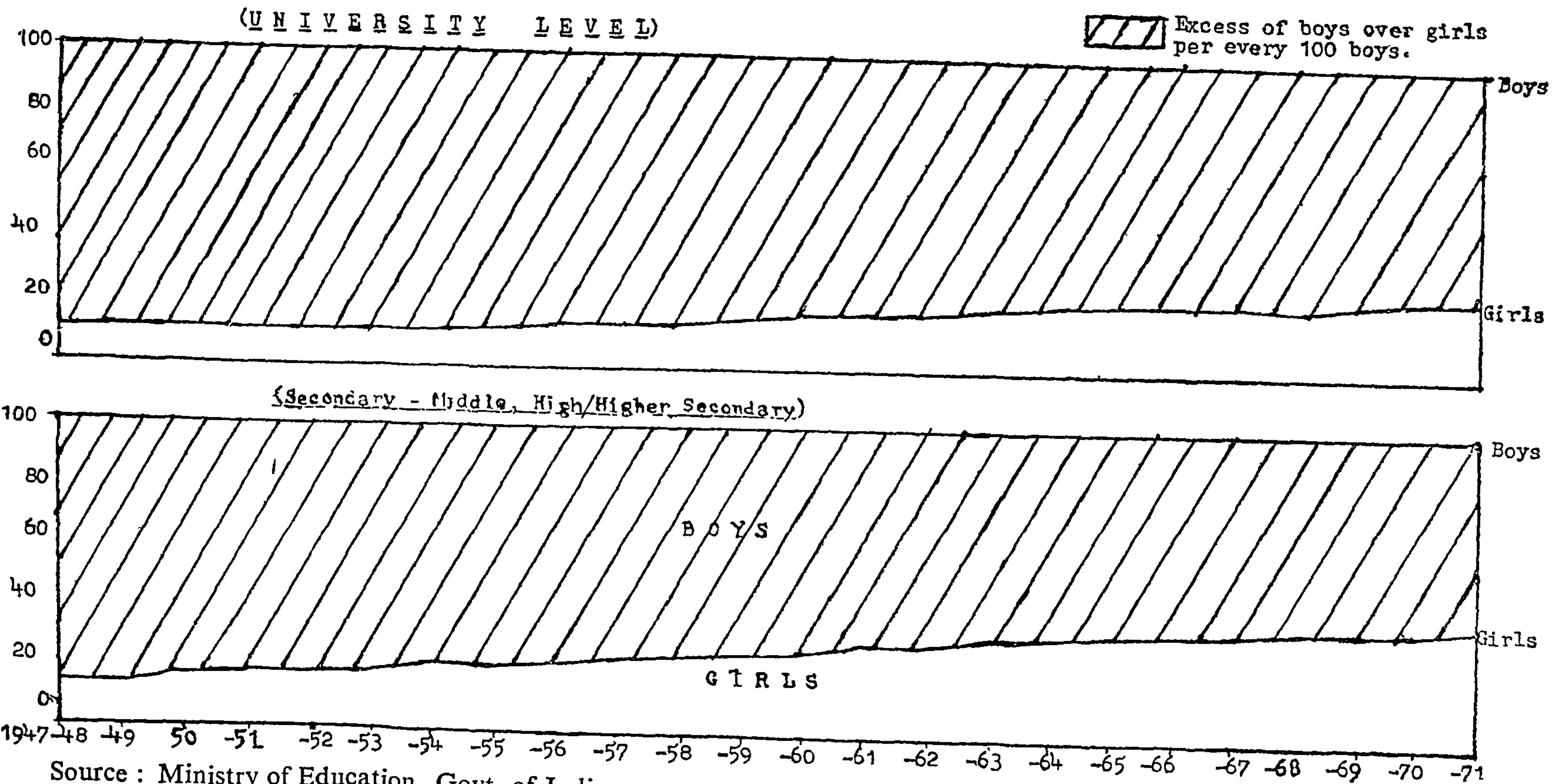
A Graphic Representation of the Relative Rate of Growth of Female Education as Compared to Male Education at different Levels—variation in the number of girls per hundred boys—during 1947-48 to 1970-71



Source Ministry of Educati...

Chart—III (a)

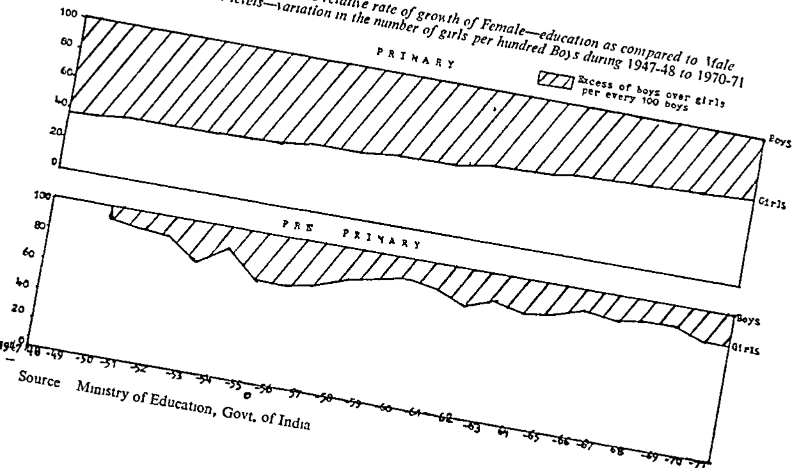
A graphic representation of the relative rate of growth of Female education as compared to Male education at different levels—variation in the number of girls per hundred Boys—during 1947-48 to 1970-71



Source : Ministry of Education, Govt. of India.

Chart—III (b)

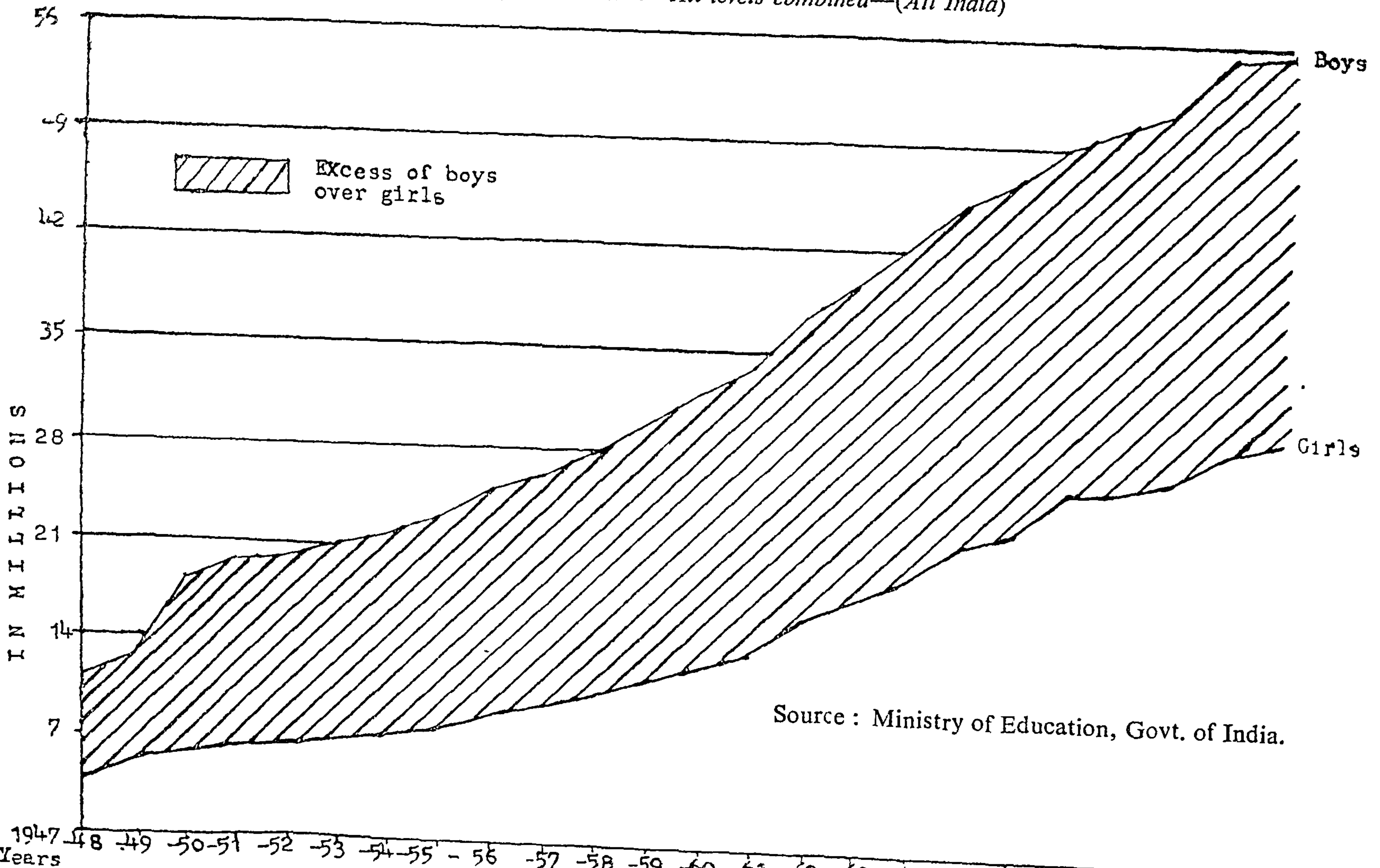
A graphic representation of the relative rate of growth of Female—education as compared to Male education at different levels—variation in the number of girls per hundred Boys during 1947-48 to 1970-71



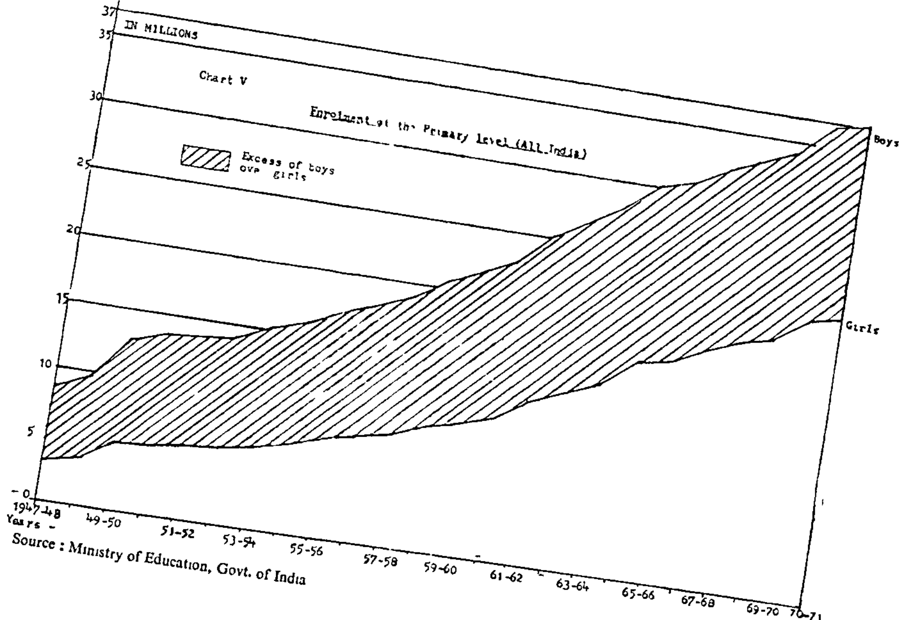
Source Ministry of Education, Govt. of India

Chart—IV

Enrolment for Education—All levels combined—(All India)

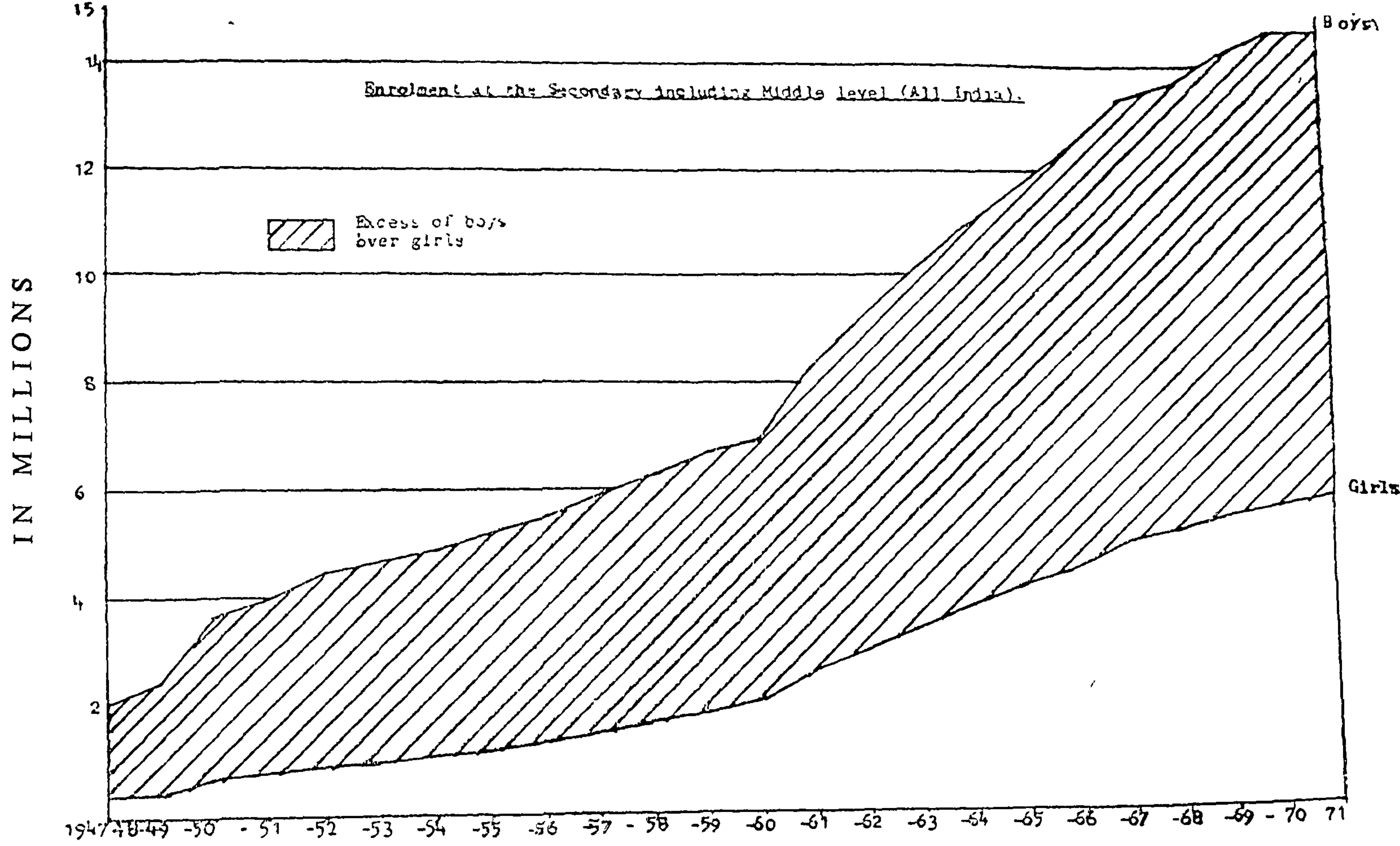


Source : Ministry of Education, Govt. of India.



Source : Ministry of Education, Govt. of India

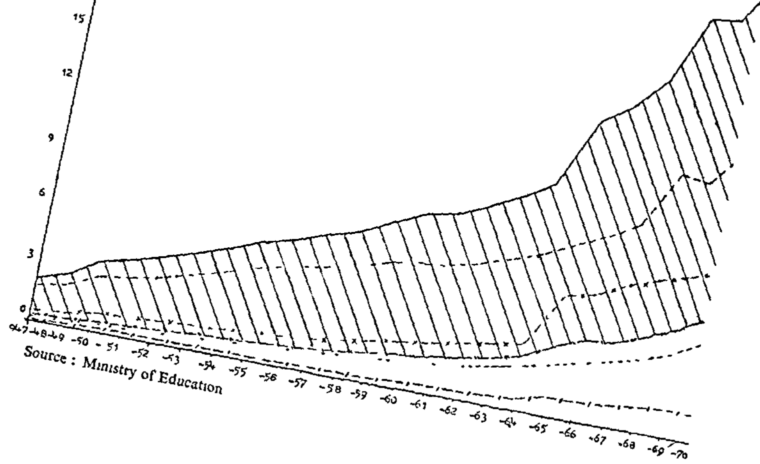
Chart—VI



Source : Ministry of Education, Govt. of India

Chart—VII

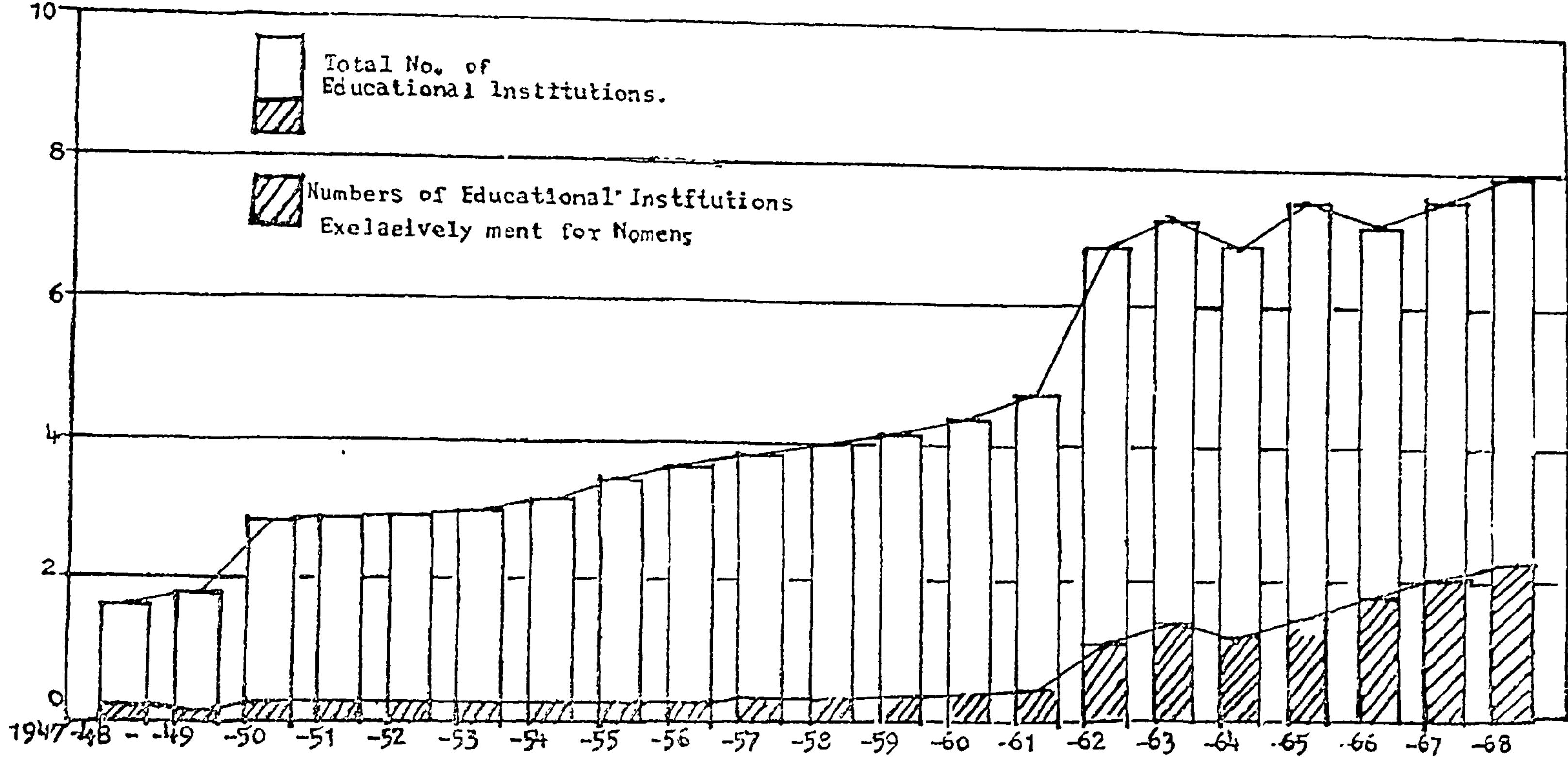
Enrolment at the University stage (All-India)



Source : Ministry of Education

Chart—VIII

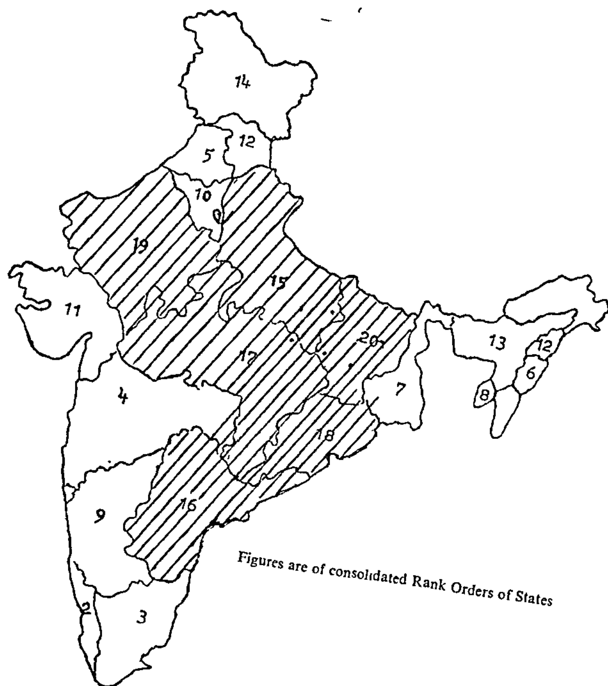
Growth of Educations Institutions (1947-48 to 1967-68)



Source : Ministry of Education, Govt. of India.

Chart—IX

Six Backward States in Women Education :

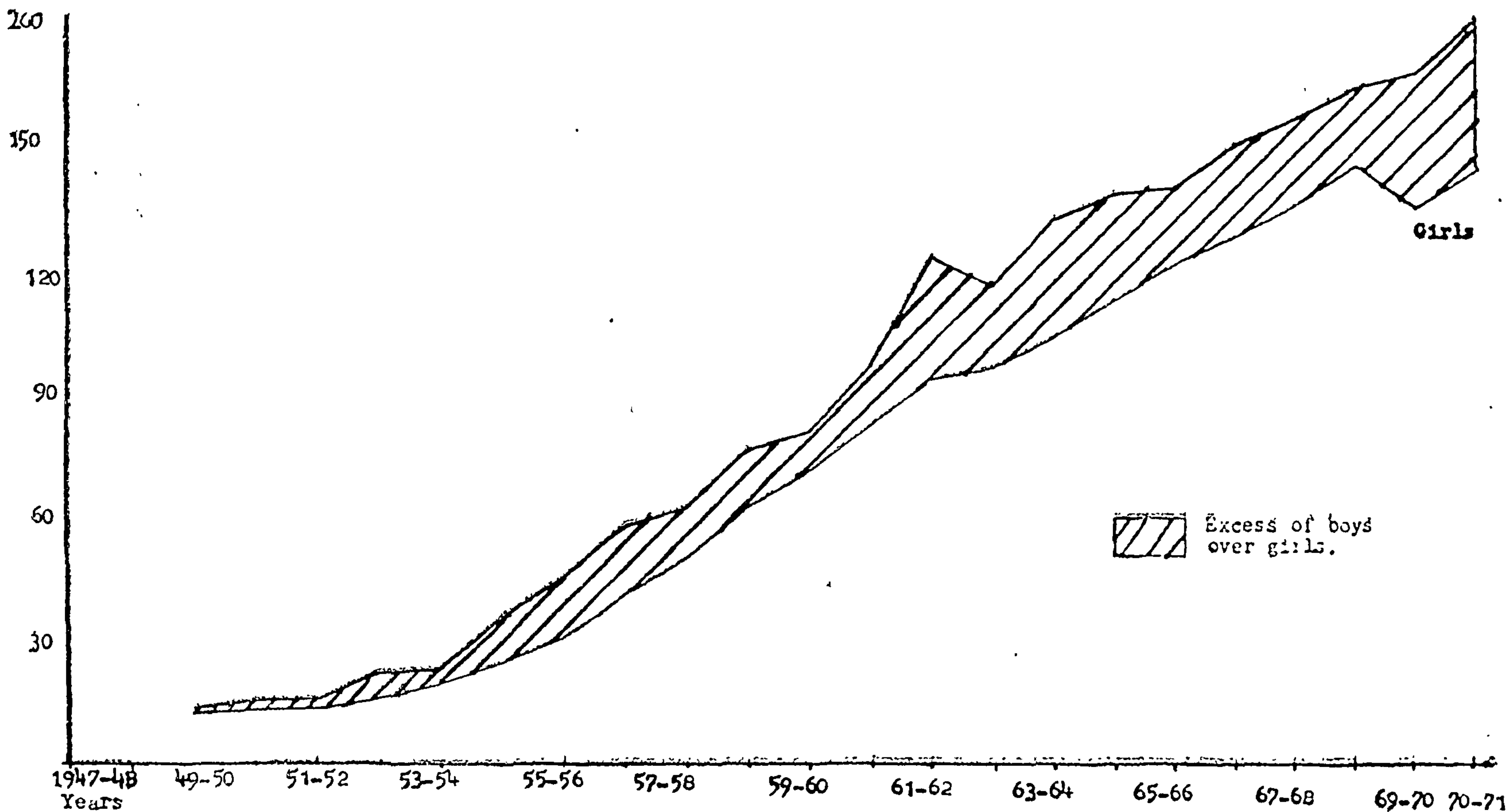


Figures are of consolidated Rank Orders of States

Note : The map is based on data for 1968-69. Arunachal Pradesh (NEFA) is not indicated in this map as it was not in existence at that date. It would also have to be included among the backward States.

Chart—X

Enrolment at the Pre-Primary level (All India)



Source : Ministry of Education, Govt. of India.

Enrolment as an Index of Educational Advance Problems of Retention, Wastage and Stagnation

6 24 While educational statistics have always tended to use enrolment as the main indicator of measuring progress, in the Committee's experience this suffers from certain limitations Since the quantum of grants for all educational institutions is linked to enrolment figures there is an inevitable tendency to attach undue importance to mere enrolment These statistics do not, however, indicate whether all children on a school register in fact attend school even for a short time As observed by the Education Commission "the task of universal education *begins* when children are enrolled in Class I It is completed only when they are successfully retained till they complete class VIII"[19]

The problem of drop-outs of enrolled children as well as the problem of stagnation have contributed to the unreliability of enrolment statistics as a valid measure of progress

6 25 The National Committee on Women's Education, while admitting that these were general problems of the educational system, had indicated that the extent of wastage or drop-outs was much higher in the case of girls The all-India average of dropouts at the primary stage was 74% for girls while that for boys was 62 4% The Education Commission reporting in 1966 found wastage at the lower primary stage to be 56% for boys and 62% for girls, about two-thirds of this wastage occurring in class I At the higher primary stage wastage was 24% for boys and 34% for girls[20] A recent study conducted by the N C E R T[21] on the problem of wastage and stagnation in primary and middle schools also corroborates this finding

> "The differences between the rate of wastage and stagnation for boys (62 30%) and girls (71 36%) are highly significant The rate for boys is
> 10 53% between grades II and III, 7 14%
> 7 04% between grades IV and V For
> I and II, 12 12% between grades II and
> id IV and 7 88% between grades IV and
> ir grades I and II, the difference's in the rates of wastage and stagnation for boys and girls in other grades are minor "[22]

6 26 One of the causes for this large wastage in Class I is the prevalent practice of enrolling children in class I throughout the year In spite of repeated recommendations *against this practice we regret to find it to be still prevalent in many States For example,* in Madhya Pradesh an enrolment drive was undertaken just 5 weeks before the end of the session

6 27 The economic and educational causes of wastage and stagnation are well recognised *In case of girls, however, social factors like marriage, betrothal and parental apathy to* girls education also play a major part The National Committee on Women's Education had estimated that 25 to 30% of cases of wastage among girls fell under this category In our opinion the slow progress in enrolment and the high rate of dropouts and failures in the education of girls spring from the same reasons and ultimately affect the over-all progress of women's education[23]

Out Turn

6 28 T [illegible] from the schools and the university system [illegible] significant features are the slower rate of [illegible] school final examinations viz Matriculation and Higher Secondary and the much faster rate of increase at the University stage, particularly in the first degree This shows that the gap between men and women is narrowing more rapidly at the higher level than at the primary and secondary stages Since

19 Op cit para 2 25
20 [illegible]
21 [illegible] on in Primary and Middle Schools [illegible] 1971
22 Ibid p 56
23 Op cit paras
24 Vide Table XII

TABLE XII : *Out Turn of Students at Different Stages of the Educational System*

Examination	*Matriculation and equivalent*			*Higher Secondary and equivalent*			*Pre-Univevsity*			*Intermediate*		
Year	*Boys*	*Girls*	*No. of Gs/ 100 boys*	*Boys*	*Girls*	*No. of Gs/ 100 boys*	*Boys*	*Girls*	*No. of Gs/ 100 boys*	*Boys*	*Girls*	*No. of Gs/ 100 boys*
1947-48	126885	15391	12	—	—	—	—	—	—	30898	4680	15
1950-51	210995	30148	14	—	—	—	—	—	—	63168	9517	15
1955-56	357166	72328	20	—	—	—	—	—	—	111818	19921	18
1960-61	452153	113966	25	46707	10290	22	71824	20650	29	92838	22893	25
1965-66	645552	202711	31	167852	39318	23	113094	39783	35	52306	16255	31

Examination	*B.A./B. Sc. Pass Hons.*			*M.A./M. Sc.*			*Doctorates Genl. and Professional Subjects*			*Professional Degrees and Equivalent Diploma only*		
Year	*Boys*	*Girls*	*No. of Gs/ 100 boys*	*Boys*	*Girls*	*No, of Gs/ 100 boys*	*Boys*	*Girls*	*No. of Gs/ 100 boys*	*Boys*	*Girls*	*No. of Gs/ 100 boys*
1947-48	15719	2867	18	3190	444	14	102	4	4	10173 (Break up is not available)	—	—
1950-51	27357	4881	18	6262	876	14	136	10	7	17892	1553	9
1955-56	44041	9948	23	9603	2166	23	321	29	9	31951	3821	12
1960-61	70757	22295	32	18570	5115	28	959	283	3	53045	7179	14
1965-66	89865	38589	43	25959	9628	37	808	99	16	67546	10721	16

higher education in India is still confined to a small minority of the population[a], the impact of this trend on the educational development of women as a whole cannot be described as high

TABLE XIII

Estimated Total Stock of Educated Persons by Sex & Levels (Figures in Hundreds)

	Males	*Percentage of Total male population*	*Females*	*Percentage of Total female population*
Primary	334,989	11 9	165,115	6 3
Middle	207,089	7 3	76 930	2 9
Matriculation or Higher Secondary	134,733	4 8	37 365	1 4
Non-technical Diploma or Certificate	1,388	0 04	455	0 01
Technical Diploma or Certificate	3,048	0 1	1,020	0 0003
Graduate	28 212	1 0	6 931	0 3

Source Census of India 1971, Part II Special estimated from 1% sample data p 121.
Note Percentages calculated

TABLE XIV

Degree Holders and Technical Personnel in each Subject Field 1971

Subject Field	*Persons*	*Males*	*Females*
Total	2 191,300	1,782 300	409 000
1 Arts/Humanities	1 139,900	843 800	296 100
2 Commerce	172,000	168 100	3 900
3 Agriculture	39 600	39 200	400
4 Veterinary Science/Medicine	11,000	10 800	200
5 Science	450,400	368 600	81 800
6 Engineering & Technology	249,700	246 200	3,500
7 Medicine (Allopathy)	68,400	55,100	13,300
8 Medicine (Others)	23 200	20,400	2 800
9 Nursing*	3 800	400	3 400
10 Technical/vocational trade	19,700	18,500	1 200
Others	13 600	11,200	2 400

SOURCE COUNTRY STATEMENT—INDIA—Submitted to World Population Conference, Bucharest (Romania) 19—30 August 1974

NOTE During the 1971 Census, a schedule was distributed among degree holders and technical personnel for being filled by them and return to the census enumerators/census office The above table is based on filled in schedules received back

* The degree course in nursing has started only recently, but, according to the draft Fifth Five Year Plan the number of nurses by the end of 1973 74 is likely to be 88,000

In professional education, the only courses open to women before independence were ...ine, education, nursing and law Since very few women sought training in law, ...sional education for them was in fact confined to the first three Admission to ...ering and technology courses was thrown open to women only in 1948 Considering ...te start their success in these courses has been significant Their representation in ...rofessional fields, however, remains very slow[b] Similarly, women's entry into

...de Table XIII
...de Table XIV

research is mainly a post-independence development and the progress at this level is satisfactory. The earlier wide-spread belief that girls had less aptitude and even intelligence than boys for pursuit of studies, particularly in subjects like Mathematics or Science, has been completely disproved by their success at various examinations. At the University level in particular, the performance of girls in all subjects, including Science and Mathematics has often outstripped that of boys. A general opinion of faculty members is that the average girl student is more conscientious and disciplined than the average male student.

Growth of Institutions:

6.30 The National Committee on Women's Education had felt that provision of separate institutions of girls would help to break down the prejudice against their education, and provide more impetus to the spread of education among women. There is no doubt that in the period since 1960-61 there has been an enormous expansion in the number of these exclusive institutions. In 1947-48, institutions meant exclusively for women constituted only 10.3%; by 1967-68 they formed 29% of the total. Out of the total number of educational institutions established during this 20 year period, slightly more than half came up between 1960-61 and 1967-68. In the case of institutions exclusively meant for women, however, more than three-fourths of the increase took place between 1960-61 and 1967-68.

TABLE XV

Growth of educational institutions.

Year	*Educational Institutions.*		
	Total number of Institutions	*number of Institutions exclusively for girls.*	*Percentage of Col. (3) to Col. (2)*
1	2	3	4
1947-48	1,64,553	16,951	10.3
1950-51	2,86,860	24,829	8.7
1955-56	3,66,641	24,873	6.8
1960-61	4,72,655	41,674	8.8
1961-62	6,85,602	1,16,150	16.9
1962-63	7,26,632	1,42,572	19.6
1963-64	6,91,986	1,22,784	17.7
1964-65	7,53,418	1,44,069	19.1
1965-66	7,27,262	1,81,238	24.2
1966-67	7,58,790	2,10,291	27.7
1967-68	7,93,799	2,30,032	29.0

Source : Ministry of Education.

6.31 While we welcome the growth of institutional facilities for the spread of education among women, we would like to point out certain adverse features of this rapid growth that have been brought to our notice. At the primary level, a large number of these schools are single-teacher institutions, with obvious limitations on their teaching capacity. One of the reasons mentioned to us for low enrolment and high dropouts of girls was the wide prevalence of single-teacher schools which frequently have to close due to the absence of the teacher. The problems become more acute when the teacher is on maternity leave, since provision of a substitute is tardy or absent.

6.32 At the middle and the secondary level, there is frequent criticism of the low standard of teaching facilities, particularly for subjects like science and mathematics. The students' choice of subjects is very often determined, not by their aptitudes, but by institutional limitations.

6.33 At the college level the expansion has been most rapid, from 81 women's colleges in 1953-54 to 435 in 1971-72. 250 of these colleges, however, have an enrolment of less than 500

(55 have less than 100), which makes them non-viable from the point of view of resources, both financially and academically [27]

6 34 One of the results of the policy to encourage establishment of women's institutions has been a relative lack of vigilance by the public and academic authorities regarding standards of these institutions Eligibility conditions for recognition or for financial assistance through grants-in aid have frequently been relaxed or waived altogether

6 35 In our opinion the [illegible] limited education will not help the [illegible] he long run damage the cause of girls [illegible] ., particularly at the higher levels of [illegible] p irt of the policy of encourgement and assistance

Women Teachers

6 36 The need to increase the number of women teachers as an essential condition for the development of women's education has been long recognised in India In recent years, this has been emphasised even more by the National Committee, the National Council for Women's Education and the Education Commission who recommended adequate provision for their training and recruitment The Education Commission recommended that the employment of women teachers should be encouraged in all stages and all sections of education In order to achieve this, the Commission suggested provision of the following

- (a) opportunities for part-time employment on large scale
- (b) residential accommodation particularly in rural areas,
- (c) special allowances for women teachers working in rural areas, and
- (d) expansion of condensed courses for adult women and education through correspondence courses

6 37 In 1947, 14 4% of the school teachers in the country were women In 1965 66, they formed 21 8% While the proportion of women teachers at different levels has increased very slowly as indicated in the following tables, it may be noted that the percentage of trained teachers is higher among women than men

TABLE XVI

No of women teachers employed in

	Primary schools	% Trained	Middle schools	% Trained	Secondary schools	% trained
1950 51	28 281 (18)	69 1	12,887 (18)	58 1	19,982 (19)	66 2
1955 56	1,17,067 (20)	73 7	23,844 (19)	63 2	35,085 (23)	72 9
1960-61	1,26,788 (21)	73 4	83,532 (32)	73 4	62,347 (22)	73 9
1965-66	1,80 315 (24)	73 1	1,38 539 (36)	79 0	1,10,703 (30)	76 3
1968 69	2,09,504 (26)	76 9	1,53,034 (36)	82 4	1 20,678 (30)	80 3
1973-74	2,50,000 (26)	77 0	1,99 000 (37)	83.0	1,50,000 (30)	81 0

Source Ministry of Education, Form A, except for 1973-74 which are [illegible] s
Figures in parentheses represent percentage of [illegible]

27 A [illegible]

TABLE XVII

Faculty	*No. of women teachers in colleges and universities*		
	1950-51	*1960-61*	*1970-71*
Arts	1.091 (11.4)	5,624 (14.9)	10,136 (19.7)
Science	379 (6.3)	Included in Arts	5,381 (13.6)
Commerce	4 (0.4)	57 (2.1)	227 (3.2)
Education	130 (24.3)	448 (22.8)	924 (23.9)
Engg./Tech.	1 (neg.)	12 (0.3)	92 (1.2)
Medicine	173 (9.8)	731 (12.8)	2,236 (19.2)
Agriculture	1 (0.2)	21 (1.4)	49 (1.5)
Veterinary Science	12 (8.2)	11 (1.7)	18 (1.6)
Law	Nil	9 (1.2)	173 (10.8)
Others	24 (16.1)	10 (4.2)	154 (15.7)
All Faculties	1,815 (8.5)	6.923 (12.5)	19,390 (15.0)

Source : Ministry of Education and Social Welfare for 1950-51 and 60-61 and University Grants Commission for 1970-71. Figures in parentheses represent percentage of total teaching staff.

6.38 Even in the States like Haryana, Punjab, Tamilnadu where almost all the villages have been electrified and are connected to the cities by pukka roads, women teachers are still reluctant to serve in rural areas. The problem becomes more acute in states like Uttar Pradesh, Bihar, Madhya Pradesh, Rajasthan, Himachal Pradesh and Jammu & Kashmir where the villages are often situated in remote and inaccessible areas.

There is no public conveyance available and very often the villages can only be reached on horse back, by bullock cart or on foot. Some of the basic problems identified by women teachers, in almost all the states that the committee visited, are given below:-

(a) Women teachers face a certain degree of resistance from their families to their working in rural areas, partly from the general apprehension against women working away from home, and partly from a fear of personal insecurity in villages. This has been aggavated by the deteriorating law and order situation in some villages. There is also a fear that rural society may be unfriendly and even antagonistic to outsiders. We would, however, like to mention that in some states we were told that rural society had now come to accept and even respect women teachers and doctors.

Most of these attitudes are shared by the teachers themselves. Added to them is another cause of resistance from the women, used to life in urban areas, that life in villages would be dull and unattractive.

(b) Apart from these factors, the lack of physical amenities like modern medical facilities, proper accommodation, toilets, transport and schooling for children are real difficulties that deter women from service in rural areas. Even when houses are provided, they are often outside the village, without any consideration for the problems of distance and insecurity that women have to face. If they are within the school, the teachers cannot bring their families. The problem of accommodation becomes still more acute with married women, if they have to work away from their husbands and families.

6 39 In our opinion these problems need to be solved on a priority basis in order to inc ease the supply of women teachers in rural schools If this is not done, then the preser imbalance in the development of women's education between urban and rural areas wi increase Added to this will be yet another imbalance, that of increasing unemploymen among trained and qualified women teachers whose reluctance to serve in rural areas pre vents their employment The beginnings of this imbalance are already noticeable in many states

Inspection :

6 40 The system of inspection of schools varies from state to state The general complaint, however, is that schools are not inspected regularly In Himachal Pradesh a retired schoo teacher informed us that during her 24 years service, she had faced only three inspections In some states like Uttar Pradesh and Bihar village schools to be inspected once a year are only those which are within easy reach In most states all inspections cease during the rainy season.

6 41 There is an over-all inadequacy of women on the inspecting staff Insufficient numbers and over-large jurisdictions contribute to the general inefficiency of inspections For women in particular the problems of distance, and inadequate arrangement for transport and night halts create added difficulties This leads sometimes to a reluctance to serve on the inspecting staff and in the states where the grade of inspectors is the same as that of headmistress of a high school (e g Punjab), women members of the service prefer to remain as headmistresses In Himachal Pradesh, we found that there was no women on the inspecting staff

6 42 States like Himachal Pradesh and Madhya Pradesh do not have a separate women's cadre of inspectors and girls schools are often inspected by male inspectors In the case of single-teachers schools, this sometimes creates a problem We received some complaints from teachers of misbehaviour, blackmail or exploitation on the part of inspectors

Attitudes to the Education of Girls and Women.

6 43 Social attitudes to the education of girls vary, ranging from acceptance of the need to one of absolute indifference The Committee's survey[28] reveals some interesting trends A statement that girls should not be given any education received a categorical rejection by 77 8% of the respondents A small minority (16 8%) did however agree with this view In the case of higher education, however, we find a surprisingly hostile attitude since over 64 50% responded that a girl should not be allowed to go for higher education even if she is very intelligent

6 44 In view of the Constitutional directive regarding free and compulsory education up to the age of 14, we tried to elicit public opinion on the question of marking education compulsory In response to our general questionnaire, 77 5% of the respondents male and female, supported compulsory education for upto the 8th class A separate questionnaire issued to educationists and administrators[29] regarding measures necessary to improve girls' enrolment in schools also evoked a substantial support in favour of compulsion

6 45 In urban areas, by and large, the acceptance of the need of education for girls is greater than in rural areas Among the affluent there are two distinct attitudes Some families are opposed to it for traditional reasons while other have welcomed it as an accomplishment and a symbol of modernisation Among the middle classes the acceptance s the highest The attitude among the lower middle class is more difficult to generalise ecause today's lower middle-class consists of white collared as well as manual workers hough economically one, socially they are two distinct classes, their attitudes being deter- ined much more by their social background rather than their economic position While an creasingly large section, conscious of economic necessity, is prepared to make substantial rifices for girls' education, a vary large number still finds itself unable to do so for nomic and social reasons For the majority of the people who live below subsistence l, poverty is the predominant factor governing the attitude to girls' education[30]

---

28 General Survey on the Status of Women in India (Appendix I)

29 D P Is, Principals, Headmistresses, Block Development Officers, Village Level Workers and Mukhya Sevikas

30. According to our survey, a great majority of the respondents favour girls education for the following reasons -

(a) Education in good for all round development of girls (88 15%) ,

6.46 Reasons for the variations in social attitudes and the consequent slow progress of women's education are both social and economic. (a) Large majority of girls, by the time they reach the age of eight, are required at home to do various domstic chores, e.g. collecting fire-wood, coal waste, cow dung, fetching water, sometimes from long distances, washing, cleaning, cooking, reaching food and water to parents in their places of work, etc.

(b) Majority of girls of this age group have to look after the siblings, especially when their mothers are engaged in earning a livelihood.

(c) A substantial number of girls are engaged in contributing to the family income by their own labour. The prevalence of child labour has long been admitted as the greatest deterrent to the spread of education among children of the poor. The Committee was appalled by the cxtent and degree of use of young girls of five to fourteen working for twelve hours a day. One 12 year old girl in Andhra Pradesh informed us that she could not remember any other pattern of existence in her whole life. Similar is the case in fire-works, matches, weaving and many other industries. mostly in the unorganised sector. A very large number of girls in this age group work as domestic servants—either as helpers or as independent earners. In Calcutta, we found one 12 year old supporting a famity of six members by workjng in a number of houses as a part-time domestic servant. This was by no meansan exceptional case. These girls are too exhausted at the end of their day's labour to attend evening classes even if they could be arranged.

In the agricultural sector, girls in the same age-group do share the burden of field labour, but mostly in the peak seasons. Their hours of work being less, it is possible for them to attend school, if facilities were available. The school term should be adjusted according to the seasonal agricultural activities. It should be noted that the exclusion from education because of participation in labour is higher among girls than boys, as they constitute a higher proportion of the unpaid family workers. According to the National Sample Survey (1960-67) the labour participation rates for boys and girls in the age-group 10-19 is on the decline in urban areas. In rural areas a similar trend is evident in the case of boys, but for girls this decline is negligible[31].

(d) Our Survey reveals several difficulties in the way of facilities for girls' education. Nearly 53% of the respondents refer to shortage of schools in general, 57.65% to absence of separate schools for girls in many places, 43.57% to over-crowding in schools and 53.95% to distance from house to school. While 39.41% point to the absence of women teachers, 40.46% do not regard this as a difficulty. Other difficulties brought to our notice are the lack of adequate transport arrangements and toilet facilities, as also the prevalence of single teacher schools.[32] (a), (b)

(e) The irrelevance of education as imparted in schools today has been discussed at length by the Education Commission. While endorsing their views, we would like to add that this has a particularly adverse effect on parental attitude to the education of girls, especially in rural areas. Parents who have not as yet accepted the utility of educating girls find in its irrelevance, justification for their apathy. Mothers of young girls told us that except for reading and writing, which the girls could pick up in two or three years, schools taught very little that was useful. One peasant woman in a Punjab village felt that one way of making school education more meaningful would be to train girls to handle and repair tractors. Some women in the Kulu valley wanted training in methods of fruit preservation, so that they could fully utilise the products of their orchards.

(f) Education in the rural areas often results in alienation of the girls from their habitat. While this criticism was voiced in many places, the most vocal opinion was expressed by women in the villages of Himachal Pradesh. Since the development of the state and the standed of living of its people depended on the continued efforts of women in agriculture, education in their opinion was becoming an adversary of progress. Girls who

(b) Education is helpful in case of misfortune and emergency (86.94%) ;
(c) Education brings prestige to the girl and the family (82.87%) ;
(d) Education enables girls to earn a living (75.91%) and
(e) Education would enable girls to add some income to the family (69.43%).

31. Report of the Committee of Experts on Unemployment Estimates (1970)—p.169. See Table V in Chapter V.

32 (a). Vide para 6.31

32 (b). Muslims whose mother tongue is Urdu, particularly in rural areas, are reluctant to send their daughters to school because of the lack of facilities for learning Urdu.

completed their formal education in the villages did not want to continue living in villages or take part in agricultural activities The problem became more acute when, owing to absence of secondary school in the villages, they had to study outside, in urban or semi-urban areas Many of them found village life with its hardships intolerable afterwards This was particularly brought to our notice in Nagaland and Himachal Pradesh Most girls who complete secondary school develop a desire for white-collared jobs, or urban life in some form

(g) While early marriage or betrothal was undoubtedly the greatest deterrent to progress of girls' education in the past, it is much less so now Our survey indicates that only 38 1% of the respondents find early marriage a genuine difficulty for girls' education while 41 5% do not agree with this view The average age at marriage has been rising steadily from 15 4 between 1941-51 to 18 in 1961-71 The national average for 1971 is 20 in urban and 18 in rural areas The percentage of unmarried girls in the age group 10-14 rose from 77 63 to 86 21 in rural areas and from 93 01 to 95 79 in urban areas between 1961 and 1971 For the age group 15-19 this percentage changed from 14 2 to 36 91 in rural areas and 29 4 to 63 76 in urban areas When we turn to the admittedly educationally backward states however, we find this to be still a problem The average age at marriage for women during 1951-61 was 14 81 in Bihar and Orissa 13 87 in Madhya Pradesh, 14 22 in Rajasthan and 14 43 in Uttar Pradesh when the national average was 16 3 During our tours we met a number of girls in their teens who were already married The social restriction on girls pursuing their studies after marriage however has been rapidly breaking down In one high school in Madhya Pradesh we found 10% of the girls were married At the higher levels of education the presence of young married women is a normal phenomenon Nevertheless, the problem still continues to exist in certain communities and areas

6 47 The strongest social support for girls' education continues to come from its increasing demand in the marriage market According to our survey, 64 25% of the respondents felt that education helped to improve marriage prospects of a girl For example, when a residential school for tribal boys was started in Deomali (Arunachal Pradesh), the demand for a similar institution for girls came from totally illiterate tribal parents, as they apprehended that the boys, once educated would refuse to marry within the community if they did not find educated girls

The influence of the marriage market is also restrictive in some ways Since marriage within the community or caste continues to be the prevalent norm, in communities where education has not spread sufficiently among the men, the parents are reluctant to educate their girls beyond a certain level It is taken for granted that the man has to be more educated than the woman This has been intensified by the pressure of the dowry system which acts in two ways[33] On the one hand the search for bride-grooms for educated girls becomes confined to men with still higher education-whose demand for dowy is prone to be higher On the other, the burden of the double expenditure-on education as well as marriage-acts as a deterrent to girls education

Literacy

6 48 Our review of the progress made by women within the formal system of education indicates its severe limitations In spite of all the expansion, the system now covers only 10% of the total female population[34] In the 15-[illegible]
as the table below will indicate Less that [illegible]
the 25 and above age group are now cove[illegible]
still illiterate As for the literate section the skill acquired may be illusory or temporary, as many of them do not succeed in retaining literacy A study sponsored by UNESCO on retention of literacy in Malaysia and India (1970) found that literacy is not permanently retained without four years of formal schooling, or high proficiency in adult literacy courses (designated as grade III by the Literacy House, Lucknow) Two other factors contribute to the loss of literacy -(a) lack of use in occupation, and (b) non-recognition of the value of literacy by the community This study also indicated that the percentage of loss of higher among women in both urban and rural areas[35]

---

33 Vide Chapter III

34 Vide Table XIII

35 Roy, Prodip to and Kapoor, J M. *Retention of Literacy* Council for [illegible]

6.49 As pointed out elsewhere in our Report, illiteracy remains the greatest barrier to any improvement in the position of women-in employment helath, the enjoyment and exercise of legal and constitutional rights. equal opportunity in education. and generally in attaining the equality of status that our Constitution has declared as the goal of this nation. The trend of discussion in the United Nations Commission on the Status of Women and various reports of the UNESCO over the last three decades, indicate that the achievement of high educational status by a minority produces little or no impact on the status of the large mass of women if they remain outside the reach of education or other instruments of modernisation because of illiteracy.

TABLE XVIII

Educational level of Women by Age Group (in lakhs)

Educational level	*No. of Women* *Urban Areas*	*Rural Areas*	*Total*
	(Age-Group (15-24)		
Illiterate	36	262	298 (67.5 p.c. of the total number of women in this age-group)
Literate	7	21	28
Primaay and Middle level...	35	52	87
Matriculates and above...	20	7	27 (6 2 p.c. of the total number of women in this age-group)
Total of literate and educated.	62	81	143
	Age-Group (25-and above)		
Illiterate	129	816	945 (88.6 p.c. of the total number of women in this age-group)
Literate	17	29	46
Primary and Middle level...	41	41	82
Matriculate and above	14	3	17 (1.6 p.c. of the total number of women in this age-group)
Total of literate and Educated	72	74	146

N.B. The percentages of different age-groups and different educational level (for women) were derived, in the first instance, from the one per cent Sample Data of the 1971 Census. These percentages were then applied to the total female population as given by the 1971 Census in order to arrive at the approximate figures presented above.

6 50 The advance of Indian women in this field can only be described as pitifully meagre as the following table will indicate

TABLE XIX

Progress of Literacy—1901-1971

Number of Literate Females per 1000 Males

Year	*Total literate males*	*%age of literate males to total male population*	*Total literate females*	*%age of literate females to total female population*	*No of literate females per 1000 males*
1	2	3	4	5	6
1901	14690080	9 83	996341	0 69	68
1911	16938815	10 56	1600763	1 05	94
1921	19841438	12 21	2782213	1 81	140
1931	23969751	15 59	4169105	2 93	132
1951	45610431	24 95	13650683	7 93	299
1961	77939833	34 44	27578928	12 95	354
1971*	111911000	39 51	48699191	18 44	435

*

Quantitative Indices of Social Change in India" Census publication p 22

6 51 The significant point to be noted is that, unlike the enrolment in the formal educational system, literacy did not increase at such a rapid rate after independence, either in absolute number, or in relation to the growth of literacy among men The enrolment of girls in primary education increased from 20 1% in 1950 51, to 68 6 in 1970-71 This indicates that despite the progress in formal education, the poorer sections of Indian women, the majority of whom have to labour for living, are still illiterate

6 52 The Education Commission had emphasised the imperative need "to liquidate adult illiteracy" and "to stop all further additions to the ranks of adult non-literates,"—describing such measures as "transitional" In reality the number of illiterates has been increasing with such rapidity that the task of eradicating it is becoming more and more formidable with the passage of time

TABLE XX

Number of Illiterates-By Sex 1951-71

Census Year	*Males*	*Females*
1950-51	139,918,031	161,908,945
1960-61	148,206,268	185,211,889
1970-71	172,025,614	215,314,004

6 53 The challange of the widening illiteracy gap will have to be borne in mind in determining priorities in educational development in the years to come. The claims of the formal educational system which can cater to the needs of only a minority for a long have to be balanced against the claims of eradication of illiteracy. This stat

the most important and imperative need to raise the status of women who are already adults and constitute the largest group.

6.54 The enrolment figures under the programmes of adult literacy for women as given by the Ministry of Education are :— 2 million in 1950-51 ; 3 million in 1960-61 ; 6 million in 1965-66, and 3.2 million in 1968-69. This should not result in complacency. In the absence of specific evaluation of these programmes, we have no evidence that enrolment necessarily resulted in these women becoming literate.

6.55 It is obvious that while the constitutional directive of universal education upto the age of 14 years must receive the highest priority in the formal system, the need of the large majority of adult women, illiterate or just literate, cannot be met by that system. An alternative system has, therefore, to be designed for this purpose to provide basic education to adult women, particularly in the 15-25 age group.

Imbalance in Educational Development

6.56 The sharp increase in the number of illiterate women in spite of the rapid expansion of education of women at various levels, points to severe imbalance in the distribution of educational effort and resources among different sections of the population. Education is a double-edged instrument which can eliminate the effects of socio-economic inequalities, but which can itself introduce a new kind of inequality between those who have it and those who do not.

6.57 The Education Commission had identified amongst other forms of educational inequalities, the wide disparity of educational development between the advanced and the backward classes. While agreeing with this view, we would like to emphasise another important factor which has a direct impact on the development of women's education viz., regional differences. Imbalances in women's education and literacy are the consequences of great disparity of educational progress between rural and urban areas, between different sections of the population and between regions, which reflect, to a great extent variations in regional attitudes to women. The following tables attempt a comparison in the development of literacy and education at different levels for women in different States. They indicate dimensions of the imbalance.

6.58 While the enrolment ratios shown as percentages of enrolled girls to the female population in the relevant age group has been used as a common denominator for all States, the absolute number provide some idea of the magnitude of the achievement. It is clear from the tables that while all States have been making rapid progress in the education of girls, the rate of progress has been uneven between different States. The ranking order of States for each level of education show certain variations in the achievements of the same States at different level of education. While Bihar and Rajasthan have maintained uniformly the lowest performance at all levels, States like Andhra Pradesh, Assam, Maharashtra, Karnataka, Uttar Pradesh, Himachal Pradesh, Manipur and Tripura show a higher achievement at the Primary levels during this 12-year period. The only States where both primary and middle levels show equal or similarly high achievement are J & K, Kerala, Nagaland, Delhi and Tamilnadu. The case of West Bengal is rather unique as it seems to have merely maintained its position at the primary level and lost ground at the middle level during this period. At the secondary level only Kerala, Tamilnadu and Delhi registered very definite progress. At the university level, majority of the States registered a distinct improvement. Enrolment in vocational and technical courses at the lower level in a number of States, however, has remained static. Some of the exceptions to this rule are Assam, Maharashtra and Delhi. For professional and technical courses at the higher level the increase is marginal. This is not conducive to the diversification of women's education at the higher levels, or to the employment of educated women.

6.59 A statewise study undertaken at the request of the Committe found a very significant correlation between the growth of girls' education and the female literacy rate. No such significant correlation could, however, be established between the girls' education and (a) per capita income of the State; (b) density of population; and (c) sex ratio[36].

36. Ravindranathan, M.R., Correlation Between Enrolment of Girls per hundred Boys and other factors such as density of population, per-capita income, sex ratio and female literacy rate. Study done for the Committee.

TABLE XXI

Enrolment Ratios (Percentage of Girls in relevant age group) by Stage of Education for Girls Comparison between 1956 57 and 1968 69

Union Territory/ State	Literacy Rate		Primary (I V)		Middle (VI VIII)	
	1961 (P C)	(1971)	1956 57	1968 69	1956 57	1968 69
1 Andhra Pradesh	12 03	15 65	43 5 (910)	60 0 (1590)	6 8	13 9 (198)
2 Assam (y)	17 11	18 68	45 5 (305)	56 4 (622)	12 0 (39)	22 3 (128)
3 Bihar	6 90	8 79	14 4 (355)	27 2 (1045)	1 7 (18)	6 4 (133)
4 Gujarat	19 10	24 59		62 7 (1086)		24 7 (220)
5 Maharastra	16 76	25 95	48 5 (1526)*	71 0 (2245)	9 7 (256)*	26 6 (442)
6 Punjab	17 41	25 75	36 5 (375)@	56 9 (530)	10 3 (57)@	31 1 (141)
7 Haryana	9 21	14 68		37 4 (240)		20 8 (65)
8 J & K	4 26	9 10	9 2 (26)	43 0 (105)	4 0 (6)	24 4 (30)
9 Kerala	38 90	53 90	99 8 (947)	115 5 (1517)	35 9 (194)	61 0 (429)
10 Madhya Pradesh	6 73	10 82	17 1 (278)	30 6 (833)	2 8 (32)	10 9 (158)
11 Karnataka	14 19	20 74	44 2 (591)	72 0 (1365)	8 9 (95)	15 6 (158)
12 Nagaland	11 34	19 21	∠	71 4 (20)	∠	31 3 (5)
13 Orissa	8 65	13 75	18 5 (177)	46 6 (636)	1 7 (4)	9 1 (67)
14 Rajasthan	5 84	8 26	9 5 (103)	22 2 (380)	2 4 (14)	8 0 (71)
15 Tamil Nadu	18 17	26 83	49 0 (959)	88 9 (2038)	12 3 (135)	32 5 (416)
16 Uttar Pradesh	7 02	10 20	14 4 (584)	65 7 (3727)	3 3 (71)	11 2 (335)
17 West Bengal	16 98	22 08	50 8 (795)	57 0 (1701)	48 8 (118)	22 6 (350)
18 Delhi	42 55	47 64	76 7 (83)	78 7 (188)	38 1 (25)	70 8 (85)
19 Himachal Pradesh	9 49	20 04	24 5 (15)	57 2 (131)	5 4 (1)	22 3 (25)
20 Manipur	15 93	19 22	48 0 (18)	87 0 (67)	8 6 (2)	22 0 (9)
21 Tripura	10 19	20 55	38 4 (18)	57 1 (60)	9 1 (2)	25 5 (13)

Note —Absolute numbers (in thousands) are given in brackets
* Includes Gujarat
@ Includes Haryana
(∠) Includes Meghalaya and Arunachal Pradesh
(y) Includes Assam

TABLE XXII

Enrolment Ratios (Percentages) By Stage of Education For Girls Comparison Between 1956-57 and 1968-69.

State/Union Territory.	*Secondary and Higher secondary (ix & xi)*		*Vocational and Special courses*		*University and College General*		*Professional and special colleges.*	
	1956-57	1968-69	1956-57	1968-69	1956-57	1968-69	1956-57	1968-69
1. Andhra Pradesh	2.2	6.8	0.08	0.04	0.04	0.09	0.007	0.03
2. Assam	3.9	13.6	0.08	0.21	0.04	0.17	0.001	0.01
3. Bihar	0.6	2.4	0.12	0.02	0.01	0.05	0.001	0.02
4. Gujarat	—	14.5	—	0.23	·	0.21		0.04
5. Maharashtra	4.0	13.5	0.46	13.47	0.09	0.22	0.016	0.10
6. Punjab	4.6	13.3	0.11	0.12	0.08	0.34	0.021	0.10
7. Haryana	—	7.4	—	0.07	—	0.18	—	0.14
8. J.&.K	2.2	8.5	—	0.01	—	0.26	—	0.03
9. Kerala	13.2	28.0	0.06	0.02	0.11	0.52	0.008	0.11
10. Madhya Pradesh	0.9	5.2	0.05	0.04	0.01	0.02	0.006	0.03
11. Karnataka	3.5	9.3	0.10	0.11	0.04	0.17	0.011	0.06
12. Nagaland		7.1		0.34				
13. Orissa	0.6	3.1	0.21	0.04	0.01	0.05	0.001	0.01
14. Rajasthan	1.0	3.6	0.07	0.05	0.02	0.07	0.002	0.03
15. Tamil Nadu	4.2	17.0	0.06	0.03	0.02	0.17	0.004	0.09
16. Uttar Pradesh	1.7	3.9	0.03	0.02	0.05	0.21	0.005	0.03
17. West Bengal	4.6	10.0	0.31	0.22	0.16	0.52	0.020	0.07
18. Delhi	15.9	46.1	0.61	0.79	0.33	1.18	0.132	0.17
19. Himachal Pradesh	2.4	9.2	0.12	0.06	0.01	0.12		0.06
20. Manipur	4.1	11.1	0.53	0.55	0.03	0.36	—	—
21. Tripura	9.0	13.6	0.77	0.56	0.03		—	0.03
INDIA	3.0	9.1	0.14	1.30	0.05	0.19	0.008	0.06

6.60 A recent study of patterns of literacy has emphasised the importance of population composition in determining the literacy rate[37]. For example, cities and regions with a high proportion of Muslims or Scheduled Castes and Tribes are marked by low literacy rates while those with relatively high percentage of Christians have a high literacy rate. While there is always a big gap in the literacy rates of urban and rural populations, broadly speaking Southern States have always maintained a higher literacy rate. It is interesting to note that the literacy of Kerala's rural population is higher than the country's city population as a whole.

6.61 Low Educational Development among Muslim Women :—Apart from the lower rate of literacy among Muslim women, our survey on the Status of Women in Minority Communities has definitely revealed that the number of Muslim women with no formal education continues to be very high even in those States which have otherwise progressed considerably in the development of women's education[38].

6.62 Slow Progress of Education among Scheduled Castes and Scheduled Tribes : The following tables indicate the very low level of educational development of women among Scheduled Castes and Scheduled Tribes :-

37. Kishan, Gopal, and Shyam, Madhav—"Patterns of City Literacy"—*Economic and Political Weekly*-Vol.IX No.20 May 18, 1974.

38. Vide Appendix II.

TABLE XXIII

Ranking of States for Each level of Education according to Ranges of Enrolment Ratio of Girls Comparison between 1956 57 and 1968 69

State/Union Territory	Literacy 1961	Primary 1971	1956 57	1968 69	1956 57	Middle 1968 69
1 Andhra Pradesh	2	2	2	3	1	1
2 Assam	2	2	2	3	1	2
3 Bihar	1	1	1	1	1	1
4 Gujarat	2	2	—	3		2
5 Maharashtra	2	3	2	3	1	2
6 Punjab	2	3	2	3	1	3
7 Haryana	1	2	—	2	—	2
8 J & K	1	1	1	2	1	2
9 Kerala	3	4	4	4	3	4
10 Madhya Pradesh	1	2	1	2	1	1
11 Karnataka	2	2	2	3	1	2
12 Nagaland	2	2	3	3	—	3
13 Orissa	1	2	1	2	1	1
14 Rajasthan	1	1	1	1	1	1
15 Tamil Nadu	2	3	2	4	1	3
16 Uttar Pradesh	1	2	1	3	1	1
17 West Bengal	2	2	3	3	4	2
18 Delhi	3	3	4	4	3	4
19 Himachal Pradesh	1	2	1	3	2	2
20 Manipur	2	2	2	4	1	2
21 Tripura	2	2	2	3	1	2

Note —Ranks (in ascending order) used for different ranges of enrolment and literacy rates

Literacy Rates
Rank 1 for less than 10 p c
Rank 2 for 10 to less than 25 p c
Rank 3 for 25 to less than 50 p c
Rank 4 for 50 p c and above

Enrolment Ratio in Primary Classes
Rank 1 for less than 30 p c
Rank 2 for 30 to less than 50 p c
Rank 3 for 50 p c to less than 75 p c
Rank 4 for 75 p c and above

Enrolment Ratio in Middle Classes
Rank 1 for less than 15 p c
Rank 2 for 15 to less than 30 p c
Rank 3 for 30 p c to less then 45 p c
Rank 4 for 45 p c and above

TABLE XXIV

Ranking of States For Each Level of Education According to Ranges of Enrolment Ratio of Girls Comparison Between 1956-57 And 1968-69.

State/Union Territory	Secondary & Higher Secondary (1) 1956-57	1968-69	Educational (2) 1956-57	1968-69	University & College General (3) 1956-57	1968-69	Professional Special Colleges (4) 1956-57	1968-69
Andhra Pradesh	1	1	1	1	1	1	1	2
Assam	1	2	1	2	1	2	1	1
Bihar	1	1	1	1	1	1	1	1
Gujarat	—	2	—	2	—	2	—	2
Maharashtra	1	2	3	4	1	2	1	4
Punjab	1	2	1	1	1	3	1	4
Haryana	—	1	—	1	—	2	—	4
J. & K.	1	2	—	1	—	2	1	3
Kerala	1	4	1	1	1	4	1	4
Madhya Pradesh	1	1	1	1	1	1	1	2
Karnataka	1	2	1	1	1	2	1	3
Nagaland	—	1	—	3	—	—	—	—
Orissa	1	1	2	1	1	1	1	1
Rajasthan	1	1	1	1	1	1	1	1
Tamil Nadu	1	3	1	1	1	2	1	4
Uttar Pradesh	1	1	1	1	1	2	1	2
West Bengal	2	2	3	2	2	3	1	3
Delhi	2	4	4	4	3	4	4	4
Himachal Pradesh	1	2	1	1	1	1	—	3
Manipur	1	2	4	4	1	2	—	—
Tripura	1	2	4	4	1	1	—	2

Note : Ranks (in ascending order) used for different ranges of enrolment and literacy rates.

Column 2 is for vocational and professional education—junior education—junior level i.e. school standard.

Column 4—similar courses of university standard.

(i) Literacy Rate :	Rank 1 for less than 10 p.c. Rank 2 for 10 to less than 25 p.c. Rank 3 for 25 to less than 50 p.c. Rank 4 for 50 p.c. and above.
(ii) Enrolment ratio in H.S. and Secondary classes.	Rank 1 for less than 7.5 p.c. Rank 2 for 7.5 to less than 25 p.c. Rank 3 for 25 to less than 50 p.c. Rank 4 for 50 p.c. and above.
(iii) For University enrolments as p.c. of all female population.	Rank 1 for less than 15 per cent. Rank 2 for 15 to less than 30 p.c. Rank 3 for 30 to less than .50 p.c. Rank 4 for .50 p.c. and above.
(iv) For Vocation (school standard) enrolment relative to female population.	Ranks denote same range as for University
(v) Professional Enrolment as p.c. of female population.	Rank 1 for less than .03 Rank 2 for .03 to less than .05 Rank 3 for .05 to less than .08 Rank 4 for .08 or above.

TABLE XXV

Percentage Distribution of Literates and Illiterates among Members of Scheduled Castes and Scheduled Tribes India 1961

Literates/ Illiterates		*Scheduled Castes*			*Scheduled Tribes*		
		Total	*Rural*	*Urban*	*Total*	*Rural*	*Urban*
Literates	Persons	10 27	8 89	21 78	8 54	8 17	22 41
	Males	16 95	15 05	32 16	13 84	13 38	30 43
	Females	3 28	2 52	10 02	3 17	2 91	13 45
Illiterates	Persons	89 73	91 11	78 22	91 46	91 83	77 59
	Males	83 05	84 95	67 84	86 16	86 62	69 57
	Females	96 72	97 48	89 98	96 83	97 09	86 55

Source Bose, Ashish Studies in India's Urbanization 1901—1971 pp 298 99

TABLE XXVI

Distribution of 1 000 Scheduled Caste and Scheduled Tribe Males and Females by Educational Levels India 1961

Educational Levels	*Scheduled Caste*				*Scheduled Tribe*			
	Males		*Females*		*Males*		*Females*	
	Rural	*Urban*	*Rural*	*Urban*	*Rural*	*Urban*	*Rural*	*Urban*
Total	1000	1000	1000	1000	1000	1000	1000	1000
Illiterates	849	678	975	900	866	696	971	865
Total literates	151	322	25	100	134	304	29	135
Literates without educational levels	113	206	20	67	99	166	23	78
Primary or Junior Basic	35	98	5	31	34	117	6	49
Matriculation or above	3	18	N	2	1	21	N	8

Source Ibid pp 298 299

TABLE XXVII

Educational Imbalance at the District level literates as per cent of total population

		Persons	*Males*	*Female*
1	*Andhra Pradesh*	24 56		15 65
	Hyderabad	39 91		29 57
	Adilabad	14 14		6 48
2	*Uttar Pradesh*	21 64		10 18
	Dehradun	45 06		33 85
	Basti	15 57		4 85
3	*Madhya Pradesh*	22 12		10 84
	Indore	44 35		31 42
	Bastar*	9 64		4 09
	Rural	8 11	13 31	2 92
	Urban	49 21	59 55	36 98
4	*Orissa*	26 12		13 75
	Cuttack	36 37		22 49
	Koraput*	10 57		4 71
5	*Rajasthan*	18 79		8 26
	Ajmer	30 19		18 18
	Barmer	10 02		2 70
6	*Bihar*	19 79		8 49
	Patna	29 77		15 04
	Champaran	14 06		5 44

*Predominantly inhabited by Scheduled Tribes

6.63 The influence of these sociological factors on education makes it clear that the use of national or state averages in assessing educational progress are not always meaningful. The table on pre pages illustrate the wide gap that characterises literacy development of districts or regions within the States which we have identified as being particularly backward in their attention to the development of women's education :

6.64 In our opinion, any plan for educational development of women which does not take these imbalances into account will contribute to the increase of inequalities between different sections of the population. Removal of these imbalances will require special attention from public authorities based on careful identification of factors responsible for them. Special programes will need to be designed for their removal if equality of educational opportunities is to be brought within the access of the majority of women in this country.

Co-Education

6.65 The imbalances just pointed out make it difficult to put forward a set pattern of recommendations. Besides the general problems of education, there are certain specific issues on which it is not feasible to insist upon a uniform pattern for the whole country. One such example is co-education. This issue has been examined by various Committees and Commissions.

6.66 In 1953, the Secondary Education Commission observed that there could be no hard and fast policy with regard to co-education as social attitudes differed very greatly in this respect. The Commission, therefore, recommended :

i) opening of separate schools wherever possible as they were likely to offer better opportunities for physical, social and mental development of the girls;

ii) girls whose parents had no objection should be free to use co-educational facilities in boys' schools. The Commission, however, prescribed specific conditions in the way of mixed staff, teaching of subjects which appeal to girls such as home craft, music, drawing, etc. and separate facilities for co-curricular activities for such institutions.

In 1959, the National Committee on Women's Education recommended that co-education should be adopted as a general policy at the primary stage, but as a transitional measure, separate schools may be provided in places where there was a strong public demand for them and enrolment of girls was large enough to justify separate schools. At the middle and secondary stages more co-educational schools should be started, subject to the condition of adequate attention being paid to special needs and requirements of girls. Separate secondary schools for girls should, however, be provided specially in rural areas. The Committee while recommending alternatives in areas where co-education was not acceptable, suggested efforts to remove difficulties and apprehensions against co-education by providing right type of staff, encouraging parental visits and the appointment of women teachers and women heads in co-educational institutions.

6.67 In 1962, the Committee on the Differentiation of Curricula for Boys and Girls admitted the division of academic opinion on co-education and recommended the following :-

i) adoption of co-education as the general pattern at the elementary stage with a vigorous propaganda to overcome resistance to co-education. As a transitional measure, however, separate primary or middle schools might be provided in case of a large demand;

ii) full freedom to management and parents to establish co-educational or separate institutions at the secondary and collegiate stage ;

iii) appointment of women teachers in all educational institutions at the secondary and university stage which are ordinarily meant for boys. Similarly some male teachers should also be appointed in secondary schools and colleges meant for girls, removing the existing ban on such appointments.

6.68 In the course of our investigation we found continued evidence of this divergence of views regarding co-education. According to our survey, as many as 57.56% regard absence of separate schools as a reason for not sending girls to schools. Some persons consider that co-education may lead to immoral behaviour. In Punjab, we were told that Swami Dayanand Saraswati had prescribed a distance of at least 5 miles between boys' and girls'

Schools Among those communities which observe purdah there is naturally a demand for separate schools. Meos in Haryana and Rajisthan, the Maplahs in Kerala, a large number of Muslims in Bihar, Uttar Pradesh etc fall in this category It is interesting to note, however, that there was no demand for separate schools in Kashmir, although the *majority of the population* of that State is Muslim In certain areas we found the resistance to co-education to be higher [illegible] the village Bankheri in Madhya Pradesh, not [illegible] attending school even at the primary level, [illegible] while in a village with a pre-dominantly [illegible] objection to girls attending a co educational [illegible] which our findings have been somewhat different from findings of earlier Committees is regarding the variation in urban and rural attitudes to co educat [illegible] phenomenon One of [illegible] for secondary and hig[illegible] objection to co education In Himachal Pradesh the rural population expressed surprise at our question In their view, if boys and girls could work together in fields there could be no reason why they could not study in same schools

6 69 The advocates of co education support it not only from the point of view of economy and efficiency but some of them also claim that the performance of students is better in co-educational schools especially if the sex ratio is even[39] Our survey of official opinion shows a clear preference for co education as indicated by the following table The significant point to be noted is that the support for co-education, particularly at the primary and middle levels, comes not only from the Directors of Public Instruction and Principals but from field staff working in rural areas such as Block Development Officers and Mukhya Sevikas It should also be noted that the support from this last category is considerably reduced at the level of secondary education During our tours we found that a large number of persons are opposed to co education at the secondary stage because they feel that adolescent youth should be segregated.

TABLE XXVIII

Views of officials regarding co-education at different levels

Level	*T No of persons*	*Strongly in favour*	*Generally in favour*	*No objection*	*Do not like*	*Strongly oppose*	*No Response*
Primary	917 (100 0)	519 (56 6)	174 (19 0)	175 (19 1)	9 (1 0)	4 (0 4)	36 (3 9)
Middle	917 (100 0)	327 (35 7)	262 (28 6)	211 (23 0)	62 (6 8)	18 (1.9)	37 (4 0)
Secondary	917 (100 0)	142 (15.5)	186 (20 3)	198 (21 6)	225 (24 5)	115 (12 5)	51 (5 6)
University	917 (100 0)	155 (16 9)	170 (18 5)	238 (26 0)	174 (19 0)	114 (12 4)	66 (7 2)
Polytechnic and Vocatianal	917 (100 0)	151 (15 4)	156 (16 9)	245 (26 7)	184 (20 1)	122 (13 3)	69 (7 6)
Professional and Technical	917 (100 0)	174 (19 0)	181 (19 7)	258 (28 1)	130 (14 2)	96 (10 5)	78 (8 5)

39 Findings of a study by B K Nayar, Secretary, Indian National Science Academy—196

6.70 We have been told repeatedly that boys' schools are better equipped, have more choice of subjects and have better academic standards. In one boys' school in Aligarh district there were 30 girls studying even when there was a separate school for them in the same vicinity. The quality of teaching was poor in the girls' school and therefore, the parents preferred to send them to boys' school. According to the Bihar study[40] "most responses underlined lack of required teaching facilities as the reason for women going to men-predominated educational institutions". In other States also similar opinions were voiced.

6.71 Karnataka is the only State in the whole of India where all schools at the primary level (I-IV) are separate for girls; but from class V onwards co-education is the norm. The official explanation for this policy was, that separate schools made it easier to enrol and retain girls for 4 years. Once parents got used to the idea, they agreed more readily to their daughters' continuing their studies further. The Committee is not in a position to assess the impact of this policy.

Contrary to the recommendations of various national Committees, some states e.g. Bihar, have definitely adopted a policy against co-education to the extent of discouraging it.

6.72 In our opionion, the considerations of efficiency, economy as well as equal opportunity require the acceptance of co-education as a long term policy. In view of the divergent social attitudes, however, *we recommend:—*

i) co-education should be adopted as the general policy at the primary level;

ii) at the middle and secondary stages separate schools may be provided in areas where there is a great demand for them. But the effort to pursue co-education as a general policy at these stages should continue side-by-side;

iii) at the university level co-education should be the general policy and opening of new colleges exclusively for girls should be discouraged;

iv) there should be no ban on admission of girls to boys' institutions;

v) wherever separate schools/colleges for girls are provided, it has to be ensured that they maintain required standards in regard to the quality of staff, provision of facilities, relevant courses and co-curricular activities;

vi) acceptance of the principle of mixed staff should be made a condition of recognition for mixed schools. There is a misgiving, however, that this provision may lead to exclusion of girls from some schools. Therefore, it is suggested that this measure may be reviewed a few years after it is implemented;

(vii) wherever there are mixed schools, separate toilet facilities and retiring rooms for girls should be provided.

Curricula

6.73 The need for a separate curricula for girls has been a controversial issue since the 19th century and reflects the ambivalence regarding the purpose of women's education. It is argued that :

(i) society assigns different roles to men and women. Since women are expected to be good wives and mothers their education must be adopted to these roles;

(ii) the average school life of girls being shorter than that of boys the courses for girls must also be shorter;

(iii) the intellectual inferiority, lack of aptitude and physical weakness of girls call for simpler and easier courses of study;

(iv) the qualities to be inculcated in girls have to be different from those of boys so that they do not become bold and independent in spirit.

6.74 These arguments received official support and became a part of the Government's policy towards women's education. Starting with the Hunter Commission of 1882, most Government committees on education accepted the validity of these arguments. This position remained even after independence and resulted in certain subjects being regarded as specially suitable for girls. Home/Domestic Science, needle work and fine arts thus came to be regarded as exclusively girls' subjects in schools. Mathematics and science on the other hand were regarded as too difficult and unnecessary for girls and were, therefore, kept

40. Supra n. 27.

optional. Consequently, majority of girls' schools did not provide the facilities for teaching of science and mathematics

6 75 The pace of socio economic change, the new attitude towards women's roles in society which came with the freedom moveme in subjects like mathematics and science were, hc established views The National Committee on se changes recommended common curricula for he basis of sex Following this, the Committee on the Differentiation of Curricula for Boys and Girls (1964), examined the whole problem comprehensively and rejected the traditional view that 'mere biological difference of sex created different physical, intellectual and psychological characteristics between men and women' which 'necessitated the provision of differentiated curricula for them' In their opinion the differences which men and women exhibit are the result of social conditioning, expressed through —

"(i) the differential pattern of division of labour between the sexes,

(ii) the stereo types of 'masculine' and 'feminine' personalities to which both men and women are expected to conform, and

(iii) the unequal social position accorded to the two sexes"

The Committee therefore recommended a common course, at all levels, and advised the inclusion of home science in the core curriculum for boys and girls upto the end of the middle stage to counter act the influences of traditional attitudes which regard certain tasks as 'manly' and others as 'womanly' The Education Commission (1966) endorsed these recommendations

6 76 Our investigation indicates that this new trend of thought is now widely accepted According to our survey, 69 82% of the respondents agree that girls should get the same type of education as boys

6 77 In spite of this marked change, however, a demand for differential curricula comes from parents whose sole object in educating girls is to improve their prospects in the matrimonial market These parents often discourage girls from taking up difficult' subjects Sometimes 'difficult subjects' require coaching and the parents are not prepared to spend 'that extra' on the girls, while for the boys 'it has to be done'

6 78 The number of girls taking up science and mathematics is steadily increasing In our tours we found girls very much interested in science subjects In reply to our specific question, many of them expressed a desire for science to be made compulsory up to high school Quite a few wanted to study subjects which would give them a larger perspective In a school in Madhya Pradesh they wanted 'general knowledge' and 'news' to be made part of the curriculum

6 79 In spite of the recommendation of the Education Commission, many States still continue to prescribe different curricula for boys and girls at the school level This has had an adverse effect particularly on the teaching of mathematics to girls [41] Many girls' schools still make no provision for the teaching of science subjects This has resulted in a lack of adequate number of women teachers in these subjects We found in some schools science being taught by teachers who had never studied science themselves

6 80 Home Science has for long been emphasised as a subject most suited for girls, and a large majority of girls take up this course We are not against the teaching of home science but we feel that the courses now current in this subject require major revision In our opinion, the present pattern of uniformity in these courses neglects the environmental factors and availability of local resources Introducing these dimensions would make them more relevant and realistic In one school we visited, the lesson in progress was how to decorate a room There were two styles of decoration—"Deshi" and "Videshi". On enquiring, the girls told us that in 'Videshi' style the room should have a sofa set etc, but they were not taught how to decorate it in 'Deshi' style

This course if revised and developed with proper scientific foundations, would be suitable for both boys and girls and meet the needs of general as well as vocational education

41 Many Boards of Secondary Education still permit girls to take a limited course in mathematics e g, home mathematics, or arithmetic and domestic science etc, in lieu of the compulsory mathematics prescribed for boys

For example, cooking should include knowledge of nutrition, dietetics, canning and food preservation etc.

6.81 We recommend :

(i) There should be a common course of general education for both sexes till the end of class X, all courses being open to boys and girls.

(ii) At the primary stage, simple needle craft, music and dancing should be taught to both sexes.

(iii) From the middle stage, differences may be permitted under work experience.

(iv) In class XI—XII girls should have full opportunity to choose vocational and technical courses according to local conditions, needs and aptitudes.

(v) At the university stage there is a need to introduce more relevant and useful courses for all students.

Pre-Primary Schools

6.82 Attempts to reduce inequalities in educational opportunities must begin early if they are to have any impact. A child who has attended a pre-primary school is better adjusted to the school environment. It has been found that adequate attention at this stage can help to reduce the problem of wastage and stagnation in the first two years of primary school. It positively helps the children to overcome their environmental disadvantages. It is the best time for socialisation and inculcating egalitarian values in the children as they are unaware of differences of caste, class, creed or sex and are unhampered by social inhibitions or taboos.

6.83 We were particularly impressed by the achievement in this respect of the 'balwadis' in the rural areas. The children in these institutions come from all classes of the rural population and mix freely in an atmosphere of happy co-operation. As there is no resistance to sending girls to these institutions, they also help to get parents accustomed to the idea of continuing the schooling of girls. We feel that these institutions can make a real contribution to the changing of social attitudes in the rural areas.

6.84 Apart from the benefit that these institutions can bring to the very young, they serve another useful function, namely, relieving the mothers of small children for other work, and increasing the chances of schooling of older girls by releasing them from the responsibility of looking after the siblings.

6.85 We therefore recommend :

(i) The provision of three years pre-school education for all children by making a special effort to increase the number of 'balwadis' in the rural areas and in urban slums.

(ii) In order to enable them to fulfil the social functions discussed above, an effort should be made to locate them as near as possible to the primary and middle schools of the locality.

Universalisation of education for the age group 6-14

6.86 Primary :—The problems of girls' education at this stage are mainly of accessibility of schools, enrolment and retention. There are still many areas where new primary schools need to be established. Many of the unserved villages are small and scattered, while some villages have more than one school, a position which will have to be rationalised in the interest of economy and efficiency. Though complex and difficult the magnitude of the problem is not large and it can be solved by planned and determined efforts.

6.87 We recommend :—

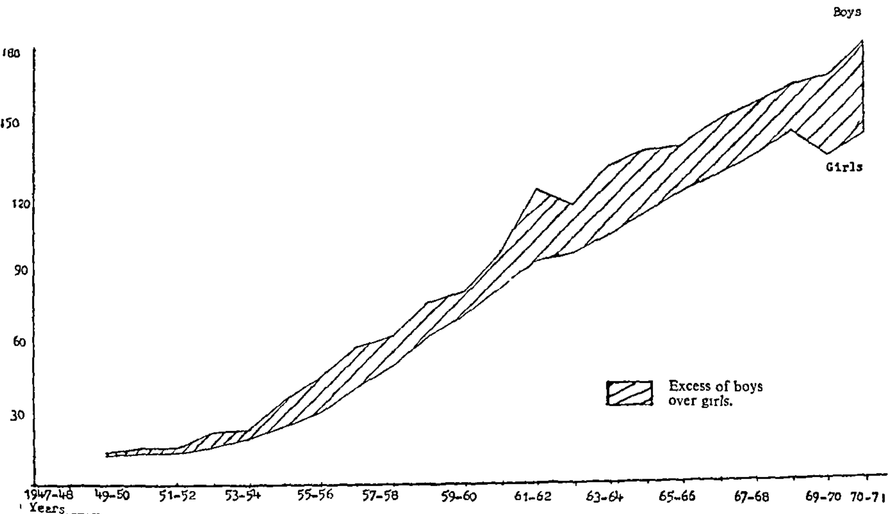
(i) Provision of primary schools within walking distance from the home of every child within the next 5 years.

(ii) Establishment of ashram or residential schools to serve clusters of villages scattered in difficult terrains. Where this is not immediately possible, peripatetic schools may be provided for the time being.

(iii) Provision of mobile schools for children of nomadic tribes, migrant labour and construction workers.

Chart—X

Enrolment at the Pre-Primary level (All India)



Source : Ministry of Education, Govt of India

(iv) Sustained propaganda by all types of persons, preferably women—officials and non-officials, social and political workers, to bring every girl into school in Class I preferably at the age of 6. They should visit local schools and involve parents and community leaders in order to promote the schooling of girls, particularly in backward areas.

(v) Provision of incentives to prevent drop-outs. Since poverty is the major cause of drop-outs the most effective incentive, in our opinion, is the provision of mid-day meals. The rate of children passing the primary level has definitely gone up in States which have introduced mid-day meals. In Kerala, which has the highest literacy rate among women, this provision is one of the major factors for the enrolment and retention of children in schools today. In reply to our questionnaire,[42] the majority has given highest priority to this incentive. The other important incentives which require to be provided to needy children are free school uniforms, scholarships or stipends and free supply of books and other study material. For girls particularly the lack of adequate clothing is a great deterrent to attending schools. For schools which do not prescribe any uniform some provision of clothing is necessary.

(vi) Special incentives for areas where enrolment of girls is low. This will need to be worked out according to local conditions. We suggest special awards or recognition to the community, teachers, students etc.

(vii) At least 50% of teachers at this stage should be women.

(viii) Provision of at least two teachers in all schools, and conversion of the existing single-teacher ones as early as possible.

(ix) Developing a system of part-time education for girls who cannot attend school on a full time basis. This system should provide education to girls at a time convenient to them.

(x) Adoption of the multiple entry system for girls who could not attend school earlier or had to leave before becoming functionally literate.[43]

(xi) Provision of additional space in schools so that girls can bring their younger brothers and sisters to be looked after, either by the girls themselves in turn, or by some local women.[44]

6.88 Middle :—Recommendations made for the primary stage are applicable to middle schools as well.[45] There is a great paucity of educational facilities at this level. We would like to reiterate opening of schools and greater flexibility in admission procedure, to help girls to complete their schooling.

6.89 Sex Education :—During our tours we tried to elicit opinion on the question of imparting sex education to girls. We asked teachers in particular to give us their views on the issue, both as teachers and mothers of young daughters. While the large majority agreed on the necessity of such instruction, most of them doubted their own ability to handle it. They also felt that such instruction would be totally impracticable in co-educational schools. We feel that the matter needs to be carefully planned by experts.

6.90 **We recommend***—

(i) *Introduction of sex education from middle School.*

(ii) Appointment of an expert group by the Ministry of Education to prepare graded teaching material on the subject. The group should include some experts on mass media, to advise on the use of films and other mass media for this purpose.

(iii) This material may be used for both formal and non-formal education.

6.91 **Secondary** : The gap between boys and girls is the highest at the secondary stage. At the same time, secondary education is becoming increasingly the minimum qualification for

42. Op cit. N. 30
43. Infra para 6. 106.
44. Supra paras 6.84 & 85(ii).
45. Except for peripatetic and single teacher schools.
* Smt. Lakshmi Raghuramaiah did not agree with these recommendations.

most employment, both in the tertiary and the secondary sector, as well as for most professional training. Since very few girls manage to complete secondary school, this insistence debars them from most vocational training

6 92 **We recommend —**

(i) Free education for all girls up to the end of the secondary stage

(ii) Improving the quality of teaching and provision of facilities for important subjects like science, mathematics and commerce

(iii) Introduction of job-oriented work-experience, keeping in view the needs, the resources and the employment potential of the region e g courses leading to training as ANM, typing and commercial practice, programmes oriented to industry and simple technology, agriculture and animal husbandry

6 93 **General Recommendations** ·

(i) Provision of mixed staff in all mixed schools This should be made a condition of recognition

(ii) Adequate provision of common-rooms and separate toilet facilities for girls in all schools

(iii) Adequate arrangements for co-curricular activities for girls in all schools

(iv) Provision of more need-cum merit scholarships and hostel facilities for girls

6 94 **Higher Education** The problems at the level of higher education are general and require reform of the system to make it more relevant and responsive to the needs of society The progress of women in this sector with all its limitations has been relatively satisfactory in comparison with the position in school education and we have no special recommendations to make

6 95 It is, however, necessary to discuss one issue which is very often raised in this context It is argued that a large proportion of the expenditure incurred on the higher education of girls is wasted because many of them get married and do not use the knowledge and the skills they acquire for social purposes This argument is also used to make out a case for curtailing [illegible] e do not agree with this view [illegible] hether general or professional, [illegible] there is need to expand it considerably We also believe that an educated woman does become a better citizen and that the benefit of her education goes to enrich the life of her family If her talents and skills are not fully utilised today in work outside the home, the responsibility is of the society which does not provide adequate opportunities for such women to be of greater social use The proper policy would be to see that their talent is fully utilised for social and national development

6 96 **We therefore recommend :—**

(i) Development of more employment opportunities, particularly of a part time nature, to enable women to participate more in productive activties

(ii) Development of employment information and guidance services for women entering higher education Many of them suffer from lack of information regarding job opportunities and regret their choice of subjects when faced by difficulties in obtaining employment

6 97 **Non formal Education** · The greatest problem in women's education in India today is how to provide some basic education to the overwhelming majority who have remained outside the reach of the formal system, because of their age and social responsibilities as well as the literacy gap The large majority of them are illiterate or semi literate Out of every 100 women in the 15 25 age group about 7 are in some educational institution, about 18 are dropouts from the system and 75 are illiterate If national plans for development have to make any headway then it is imperative to increase the social effectiveness of this most significant group of young women, even if we cannot do so for the still older group Our review has indicated the impossibility of educating them through any kind of formal institutionalised process Apart from the prohibitive cost that such an attempt would involve, a formal system, by its very nature and pattern of organisation is limited to cater to the [illegible] on

needs of only those who enter it formally and are able to stay in it for a considerable length of time. It is essentially designed for young, full-time students who are not called upon to shoulder any other major responsibility of life during their period to study.

6.98 The Government of India's efforts in the field of adult literacy and adult education since independence have been largely based on a policy of encouraging voluntary agencies to undertake this task with supporting funds and guidance from the Government. The declared objectives of these programmes were :—

— familiarising the masses with the democratic process ;
— activating large scale co-operation in the building up of a welfare state ;
— imparting rudimentary literacy skills as a means for self-emancipation, self-fulfilment and social justice[46].

These objectives, however laudable, are extremely difficult to translate into concrete terms which would be within the grasp of both the agents and recipients of such education.

6.99 The Fourth Plan introduced a programme of functional literacy built round farmers' training in selected districts where high yielding varieties of crops were being cultivated. According to the estimates of the Ministry of Education, about 3 lakh persons received this training during the Fourth Plan, "out of whom women may be estimated at approximately 30%". This programme will be continued in the Fifth Plan, the target being 1.3 million persons. The Ministry 'hopes' that women will constitute 40 to 50% of this group. It is also proposed to extend this programme to dry farming, small scale farming, family planning etc. Apart from this a programme of functional literacy for adult women is being formulated by the Department of Social Welfare. The curriculum will include training in vocational and occupational skills in areas like kitchen gardening, food cultivation, poultry keeping, animal husbandry and household arts like sewing, knitting etc. along with home management, child care and civic education. A similar programme for non-student youth (age group 6-14 and 15-25) draws a sharp distinction between men and women—emphasising family life education, health, nutrition, child care and craft and self-employment for the latter.

6.100 In our opinion, these are fields which can no longer be limited to women. Changes in family life, food habits, the control of the family, all require joint efforts of men and women and continuing this kind of artificial division between men and women may defeat the purpose of these programmes. As for vocational and occupational skills, the needs of women are perhaps greater than those of men. While we do not deny the value of crafts, women's need for vocational training cannot be limited to them. The skills will differ according to the industrial and market potentials of regions and it is imperative to relate the training to local needs, resources and employment possibilites, instead of adopting an artificial sex-selective approach.

6.101 We fear, however, that such ad-hoc approaches, through a multiplicity of programmes being implemented by various governmental agencies, will lead to overlapping, lack of coordination, and ultimately to wastage of resources on administrative machinery. The problem, though of great magnitude, is an integrated one, and cannot be solved by these short term programmes While they may bring education to a few thousands, all the time lakhs are being added to the ranks of illiterates and dropouts. What is needed is a continuous process, not short-term intensive courses as undertaken under existing programmes of adult education.

6.102 A formal system, designed for the young, can use certain compulsive, corrective and didactic methods which whould be inapplicable to a non-formal system where the majority of students would be adults, with experience of problems of life and little time to spare for bei educated. Such a system would, therefore, need to have certain definite characteris different from a formal system. In our opinion —

(a) It must be useful in such a way that the usefulness is immediately perceive the recipients ;

(b) It must be related to specific areas of experience familiar to the students, si educational material totally alien to their world of experience would pose enorm obstacles to understanding and interest ;

46. Deleon, Asher — *Informal Education* — Government of India, Ministry of Education and S Welfare, 1973.

(c) It should aim to develop skills to acquire information and to apply it to real problems, and to understand events and happenings in the immediate environment

6 103 The basic requirement for such a system, is a reduction of the psychological gap between those who teach and those who learn A feeling of identity of interests and common experience are vital for such a system to overcome obstacles of low motivation and apathy It follows that the system should be a part of the community, involving a large proportion of its members both as teachers and as learners In our opinion it is imperative to use all available educational resources in the community for this purpose, rather than import educational 'agents' from outside The school teacher, the doctor, the ANM Auxiliary Nurse Midwife, the agricultural extension worker and the successful farmer, the mechanic, the welfare worker, the local political representatives, and the handful of educated persons who either live in or come to the village periodically, all should be able to contribute to this programme

6 104 Any attempt to professionalise this system will, in our opinion, defeat the purpose The entry of professionals is likely to lead to development of (the limiting, selective and) a rigid approach, with fixed curricula and class room procedures which generally result in increasing distance and distinction between those who teach and those who learn This has happened frequently in adult education programmes, when they develop into 'courses'. Besides, the prohibitive cost [illegible] ...ably limit its operation to a few selec[illegible] ...re other skills of direct relevanc[illegible] ...of community involvement such pr[illegible]

6 105 *Contents of the system* — While it is necessary to guard against any fixed or uniform curricula, certain broad areas could be identified The object of the system should be to provide access to information and use of information for better participation in social life Literacy would certainly have to form the core of the package, but the experience of various literacy programmes in India and abroad indicate that it is necessary to make it instrumental or 'functional' rather than the end object It has also been suggested that in the first phase of this programme the main emphasis should be on reading and basic arithmetical skills[47]

6 106 The system that we have in mind is a continuous programme of learning *useful things*, in which members of the entire community can participate [illegible] ...here the barriers that now divide the educated from the uneduca[illegible] primarily meant for adolescents and adults, the system [illegible] particularly all those who for economic or social reasons have been denied any formal education Some of the latter may even use this as a stepping stone to enter the formal system if our recommendation regarding multiple entry is accepted

6 107 The system will need a community group to organise and sponsor it The panchayats and the women's panchayats that we recommend in chapter VII, would appear to be the ideal bodies for this purpose Government's role should be limited to providing technical guidance and advice, and enabling government functionaries at the local level to participate in the programme, apart from supportive assistance in the form of literature and reading material The system can make an impact only if the access to information is available through reading material and equipment Development of basic libraries, in villages and the slum areas of towns, is an imperative necessity for this purpose *We therefore recommend concentration of governmental effort on providing this infra structure suggested in the discussion on the problem of formal education*

Equality of Sexes as a Major Value to be inculcated through the Educational Process.

6 108 The deep foundations of the inequality of the sexes are built in the minds of men and women through a socialisation process which continues to be extremely powerful Right from their earliest years, boys and girls are brought up to know that they are different from each other and this differentiation is strengthened in every way possible—through language forms, modes of behaviour of labour etc They begin to learn very early what is proper or not proper for boys and girls and all attempts at deviation are noticed, disco[illegible] ...ged sometimes punished The sissy and the tomboy are equal objects of [illegible]

47 This is the finding on evaluation of various UNESCO—sponsored literacy [illegible] Tanzania Oxenham J — Adult Literacy Recent Experience (xeroxed) — [illegible] Studies University of Sussex

nothing wrong in this if it were merely a question of distinction. But it soon gets inextricably tied up with the traditional concepts of the roles of men and women and their mutual relationships which are based on inequality. The process of indoctrination affects the development of individual personalties.

6.109 The only institution which can counteract the effect of this process is the educational system. If education is to promote equality for women, it must make a deliberate, planned and sustained effort so that the new value of equality of the sexes, can replace the traditional value system of inequality. The educational system today has not even attempted to undertake this responsibility. In fact, the schools reflect and strengthen the traditional prejudices of inequality through their curricula, the classification of subjects on the basis of sex and the unwritten code of conduct enforced on their pupils.

6.110 We received criticisms of school textbooks in this respect in many places. In Manipur, and Andhra Pradesh in particular, a number of women were highly critical of the inclusion of stories of Sita and Savitri, as ideals of womanhood, since they tend to perpetuate the traditional values regarding the subordinate and dependent role of women. This result in the development of social attitudes among even many educated persons, men and women, who accept women's dependent and unequal status as a natural order of society.

6.111 Such a system of values is contradictory to the goals set before this nation by the Constitution. The concomitant of equality is responsibility and unless this is admitted by men and women equally, the desired transformation of our society will receive a severe set back. This is one area where a major change is needed in the context and organisation of education. Educators must admit their responsibility and bring about this much needed change in the values of the younger generation.

CHAPTER VII

POLITICAL STATUS

7 1 Political status of Women can be defined as the degree of equality and freedom enjoyed by women in the shaping and sharing of power and in the value given by society to this role of women

7 2 The Indian Constitution guarantees political equality through the institution of adult franchise and Article 15 which prohibits discrimination inter alia on grounds of sex It should be kept in mind that this recognition of political equality of women was a radical departure not only from the socio cultural norms prevailing in traditional India but also in the context of the political evolution of even most advanced countries at that date With the exception of the socialist countries, no other State in the world had accepted women's equality as a matter of course

7 3 The United States and the United Kingdom granted franchise to women only after World War I, after decades of struggle by their women Most other countries, Eastern or Western, conceded it only after World War II Japan granted franchise to women in 1946 China in 1949 The exceptions were Thailand and the Phillipines which granted a limited franchise, similar to the Indian case, in 1932 and 1933 respectively Amongst the west European countries, France granted franchise to women in 1945, Switzerland in 1971

7 4 In the case of India, the two major forces which acted as a catalyst in the achievement of political equality of women were the national movement[1] and the leadership of Gandhi, who declared himself to be "uncompromising in the matter of women's rights "

> "Women must have votes and an equal legal status But the problem does not end there It only commences at the point where women begin to affect the political deliberations of the nation '[2]

The Pre Gandhian Period

7 5 The 19th century reform movement and the spread of education among the women had definitely initiated the process of improving the status of women However this process was essentially limited to improving the position of women within the traditional family structure Prevalent social attitudes, particularly among the upper and middle classes, continued to regard domestic life as woman's sole occupation

7 6 Nevertheless there was a minority of women who voluntarily participated in both social welfare and revolutionary movements They were active in the cause of women s education welfare of the weaker sections in society and relief to distressed persons during emergencies like floods, droughts famines, etc A still smaller group became involved in the revolutionary movement, actively participating as couriers, distributing literature, looking after various institutions and risking police repression, imprisonment, and even capital punishment In both these cases the women received a certain degree of support from their families in such activities, either overt or covert Most of them came from the affluent or middle class families in urban areas The social attitude to this first awakening was one of reserved acceptance, extending sometimes to admiration and pride in the heroism displayed by some of these women But it by no means amounted to accepting this as a norm for women's role and behaviour in society

7 7 The 19th century reformers professed concern for the low status of women, but their efforts were concentrated towards improving women s position within the family, for the purpose of strengthening the family as the basic unit of social organisation Raising the

1 [illegible] ruggle that accounts for women s [illegible] the two phenomena , Phadnis [illegible] untries (unpublished Volume [illegible]

2 [illegible]

status of women was seen only as granting her the right to property, re-marriage after widowhood, abolition of child marriage and the right to education.

7.8 A characteristic of this movement was its elitist approach. Most of the demands were relevant only for a limited section of women i.e. the upper and middle classes. They did not represent the problem affecting the majority of women. The social change envisaged was a limited one of transformation within the system, rather than that of the system[3].

7.9 The turn of the 19th century witnessed some results of the dissemination of education to women, however restricted, and the impact of the ideas of the reformers in the changes taking place in the status of women. This was manifested in the emergence of women's organisations, when women entered public life in larger numbers than before. This period saw the birth of organisations such as The Women's Indian Association (this was later merged in the All India Women's Conference), the National Council for Women and The All India Women's Conference. It also opened a new chapter in the women's movement for equality. A demand for women's franchise was initiated in 1917 when a deputation of Indian women led by Sarojini Naidu, presented to the British Parliament a demand for the enfranchisement of women on the basis of equality with men.

7.10 The constitutional reforms of 1919 left the matter to the discretion of the elected legislatures in the provinces and finally the Reforms Act of 1921 enfranchised a very small fraction of the Indian population including women. This right to vote, however, was subject to certain reservations: women could vote only if they possessed qualifications of wifehood, property and education. These qualifications, apart from making the woman's right dependent on her marital status, in fact restricted it to an infinitesimal minority of women.

7.11 The gap between the radical nature of the demand and actual achievement was a characteristic of the period till independence. It represented not only the reluctance of the foreign rulers to accept the democratic aspirations of the people, but also their own political view regarding the limited role of women in Indian society. They could not believe that Indian society would ever regard women as equal partners of men. Nor could they expect women to act independently of the men, as a separate political force. Therefore, women did not feature in the framework of representation of classes, communities, and interests, which was offered by the colonial authorities as the solution of the Indian question.

The Gandhian Era

7.12 A transformation of the attitude to women was precipitated by the Gandhian view regarding women's role in a social revolution and reconstruction.

> "Women is the companion of man gifted with equal mental capacities. She has the right to participate in the minutest details of the activities of man, and she has the same right of freedom and liberty as he... By sheer force of a vicious custom, even the most ignorant and worthless men have been enjoying a superiority over women which they do not deserve and ought not to have."[4]

> "Since resistance in satyagraha is offered through self-suffering. It is a weapon pre-eminently open to women .... She can become the leader in satyagraha which does not require the learning that books give but does require the stout heart that comes from suffering and faith."[5]

7.13 Responding to his call, women different communities and all walks of life came out to join the struggle—as political campaigners, joining protest marches and demonstrations, as constructive workers, participating in and often taking charge of the village reconstruction programmes, as workers in the cause of social and economic justice working for the removal of untouchability and other forms of social oppression. The highly educated and the not so well educated joined hands to spread literacy and develop self-reliance among the people. Women who had spent their lives behind purdah came out to fight orthodoxy, superstition and communal separatism.

---

3. In this context it becomes imperative to mention the only notable exception who stood for more radical measures. Agarkar believed that women should cease to be confined to the home and take up professions per with men. This was remarkable in an age which made an absolute distinction between service to the home and service to the community. (Liberal Thought in Maharashtra — unpublished thesis by D.N. Vora — Poona University).
4. Mahatma Gandhi, *Young India*, 26.2.1918
5. Mahatma Gandhi, *Young India*, 14.1.1932 and 24.2.1940.

7 14 Social legitimation for such activity was not forthcoming at first but the women joined the men to fight in the movement Events proved that without the cooperation of women the freedom struggle would not have been so successful Under Mahatma Gandhi's direction the civil disobedience movement and the salt satyagraha saw women in the forefront The breaking of the forest laws, boycott of foreign cloth and liquor shops resulted in women suffering police repression, incarceration in prisons and other indignities Scores of women were in the vanguard of the movement

> "Our women came to the forefront and took charge of the struggle Women had always been there of course but now there was an avalanche of them which took not only the British Government but their own men folk by surprise There were these women, women of the upper or middle classes, leading sheltered lives in their homes, peasant women, working class women, rich women—pouring out in their tens of thousands in defiance of government orders and police lathis It was not only the display of courage and daring but what was even more surprising was the organisational power they showed "[6]

7 15 This kind of participation had a direct impact on the attitudes of women also A meeting of representative women's organisations in 1930 drafted a memorandum demanding immediate acceptance of adult franchise without sex discrimination It was turned down by the Government, but in 1931 the Karachi session of the Indian National Congress took the historic decision, committing itself to political equality of women, regardless of their status and qualifications

7 16 The Government of India Act of 1935 increased the number of enfranchised Indians the proportional suffrage rights of women and relaxed some of the previous qualifications All women over 21 could vote provided they fulfilled the conditions of property and education[7].

7 17 Independence brought the promise of actual liberation and equality The Constitution pledged the nation to achieving a just society, based on the principles of equality and dignity of the individual, and proclaimed the right to political and legal equality as fundamental rights of all Indians The guarantee against discrimination in employment and office under the State opened the avenues to offices of power and dignity

7 18 It has been argued that political equality is meaningless in a country where the mass of the population suffers from poverty, continuous threat of starvation, illiteracy, lack of health, and inequality of class, status and power It is more so in the case of women who suffer from another dimension of inequality, namely the weight of traditional attitudes that regard them as physically, intellectually and socially inferior to men It is, however, clear from Mahatma Gandhi's statement that the equal legal and political rights of women were only to be a starting point to enable the society to transform itself by ending all exploitation, a process in which women would be the prime movers

7 19 Looked at from this angle political rights and status appear as only instrumental for achieving general equality of status and opportunities and social, economic and political justice It, therefore, becomes important to examine the efficiency of this instrument in the practical operation of the political process We have used the following indicators for this examination

(a) Indicators of Participation in the Political Process — The readiness and willingness of the people to participate in the political process is a basic requirement for a democracy The role of women in this field can be measured by the turn out of women voters and number of women candidates in each election

(b) Indicators of Political Attitudes — Since attitudes play a major role in determining political behaviour, the level of awareness, commitment and involvement of women participating in politics, particularly their autonomy and independence in political action and behaviour, are important measures of their political status

(c) Impact of women in the Political Process — If political rights are only an instrument to achieve other goals, then this is the crucial measure of women's political status Yet this is the most difficult to measure Quantitative data is of little use because they may

---

6 Jawaharlal Nehru — *The Discovery of India* p 27

7 This act increased the number of women voters to more than 6 million from the under of 1919—Keith A B —*A Constitutional History of India 1600 — 1935*

TABLE I

Percentage turnout of voters in General Elections—Lok Sabha 1962-71—Statewise and Sexwise.

Name of State/ Union Territory	1962 by men voters to men electors.	by women voters to women electors	Total voters to total electors.	1967 by men voters to men electors.	by women voters to women electors.	by total voters to total electors.	1971 by men voters to men electors.	by women voters to women electors.	by total voters to total electors.
1	2	3	4	5	6	7	8	9	10
1. Andhra Pradesh	69.03	60.34	64.72	72.08	65.26	68.67	64.39	54.71	59.57
2. Assam	51.50	37.23	45.09	66.50	50.83	59.28	58.37	41.57	50.69
3. Bihar	55.39	32.86	44.88	61.28	40.74	51.53	60.00	37.01	49.10
4. Gujarat	63.39	52.02	57.96	69.19	58.17	63.76	60.61	50.19	55.59
5. Haryana	—	—	—	75.41	69.44	72.62	67.78	60.48	64.34
6. Jammu & Kashmir	—	—	—	57.25	52.08	55.16	67.61	46.59	58.12
7. Kerala	74.10	67.08	70.55	77.13	74.20	75.64	65.77	63.30	64.53
8. Madhya Pradesh	60.36	28.90	44.79	64.35	42.48	53.47	58.24	37.59	48.00
9. Maharashtra	66.02	54.29	60.43	68.82	60.49	64.75	63.54	56.12	59.94
10. Mysore	65.18	53.07	59.30	67.36	58.34	62.95	61.73	52.71	57.42
11. Nagaland	—	—	—	—	—	—	56.82	50.37	53.77
12. Orissa	33.07	13.21	23.56	53.56	33.05	43.70	51.85	33.74	43.20
13. Punjab	65.90	58.13	62.37	73.44	68.43	71.14	63.36	55.87	59.89
14. Rajasthan	62.63	41.35	52.44	64.96	51.02	58.27	60.07	47.50	54.04
15. Tamil Nadu	73.07	64.55	68.77	79.23	73.94	76.56	74.48	69.17	71.82
16. Uttar Pradash	59.42	39.46	50.35	59.27	48.96	54.51	52.23	38.84	46.10
17. West Bengal	61.98	47.62	55.75	70.88	60.15	66.03	64.79	58.74	62.16
18. Himachal Pradesh	43.68	22.04	33.60	57.97	44.05	51.20	48.44	33.38	41.18
19. Manipur	66.27	64.44	65.34	68.73	65.80	67.23	53.37	43.55	48.35
20. Meghalaya	—	—	—	—	—	—	—	—	—
21. Tripura	73.33	61.77	67.95	76.45	72.98	74.84	65.00	55.91	60.84
22. Andaman & Nicobar	—	—	—	79.22	76.77	78.45	69.72	72.33	70.55
23. Chandigarh	—	—	—	65.42	65.28	65.36	62.79	73.11	62.92
24. Dadra & Nagar Haveli	—	—	—	80.05	76.55	78.29	71.46	68.06	69.78
25. Goa, Daman & Diu	—	—	—	69.35	67.42	68.37	57.01	54.91	55.92
26. Laccadive, Minicoy & Amindivi Islands	—	—	—	78.27	86.16	82.02	(UNCONTESTED)		
27. Delhi.	65.82	71.71	68.29	68.91	70.25	69.49	66.81	63.29	65.18
28. Pondicherry	—	—	—	76.01	73.72	74.85	71.93	68.28	70.10
29. Mizoram	—	—	—	—	—	—	—	—	—
Total	62.05	46.63	54.76	66 73	55.48	61.33	61.00	49.15	55.35

Source : Report on the Fifth General Election in India, 1971-72.

not indicate the actual reality in the political process We have tried to measure this by looking at the women's view of their own roles and efficacy in the political process, and society's attitude to these new roles of women This is indicated by the success of women candidates at various, elections, the efficiency of women's pressure groups, the nature of the leadership and women elites in parties and Government, and the effectiveness of campaigns for women's mobilisation particularly on issues that directly concern them

7 20 In the course of our examination we have tried to separate certain myths from the actual state of affairs, by indicating the gaps that exist between popular notions and opinions and empirical realities, between what the [illegible] hand and what society actually permits or [illegible] has been collected by various means, from [illegible] some first-hand studies sponsored by the Committee, comments of political workers and parties, and the views of the large number of women belonging to different socio economic categories, whom the Committee met during the tours

I–Indicators of Participation

7 21 In a democratic system participation in politics has to be viewed at the levels of acquisition and exercise of power and exercise of the rights of a citizen The study of general elections at these two levels offers certain quantitative measures of participation of citizens both as voters and as candidates Unfortunately the statistics for the first two general elections do not throw light on the number of women candidates or voters Our comparison therefore, has to be limited to the last three general elections viz those of 1962, 1967 and 1971 Table I indicates the percentage turn out of men and women voters in the last three general elections to the Lok Sabha by States

Table II
Turn out of Women Voters Lok Sabha Elections

Year	Total voting percentage	Percentage turnout of female voters	Difference between percentage turnout of male & female Voters
1962	54 76	46 63	15 42
1967	61 33	55 48	11 25
1971	55 35	49 15	11 85

7 22 The over all picture is given in Table II It will be seen that the difference between [illegible] Between 1962 and 1967 [illegible] arly by 9% but in 1971 it [illegible] ne fall in the total voting percentage in that year Since the difference between men and women voters does not show any substantial increase, it may be inferred that there was no significant change in the trend, which is visible when we compare the figures of 1962 and 1971 During the nine year speriod, while the total voters' turn out increased by only 0 95% increase in the percentage of women voters was 2 52%

[illegible] sa, Bihar, [illegible] turn out [illegible] ulting in a high difference between men and women Assam and Jammu and Kashmir also come under this category These States, as has been indicated in the previous chapters, are generally known for the educational and social backwardness of their women All the demographic indicators viz sex ratio, literacy rate, life expectancy etc point to a low status of women in these States This is reflected in the low participation

7 24 It has generally been found that there is a close relationship between literacy and political awareness The States and Union Territiories which have registered the maximum mobilisation of women voters generally have a high female literacy rate It should, however, be noted that it is not possible to establish a similar correlation between education or economic development and exercise of franchise by women One great difficulty about the Indian political scene is that it is not possible to generalise about the inter relationship

TABLE III

Minimum Mobilisation

Year		I		II		III		IV	
1962	Total	Orissa	(23.00)	Himachal	53.00	M.P.	44.79	Bihar	44.88
	Women	Orissa	(13.25)	Himachal	22.04	M.P.	28.90	Bihar	32.00
	Diffe-rence	M.P.	(32)	Bihar	23	Raj.	21	Orissa & UP	(20)
		I		II		III		IV	
1967	Total	Orissa	43.70	Himachal	51.20	Bihar	51.53	M.P.	53.47
	Women	Orissa	33.05	Bihar	40.74	M.P.	42.48	Himachal	44.05
	Diffe-rence	M.P.	(22)	Bihar	(21)	Orissa	(20)	Assam	(16)
		I		II		III		IV	
1971	Total	Himachal	41.18	Orissa	43.20	M.P.	48.00	Bihar	49.10
	Women	Himachal	33.38	Orissa	33.74	Bihar	37.01	M.P.	37.59
	Diffe-rence	Bihar	(23)	M.P. & J.K.	(21)	Orissa	(18)	Assam	(17)

Note : States have been arranged in ascending order, for total turnout, turnout of women voters, and difference between men and women voters. Higher difference indicates lower mobilisation of women.

between any single factor and political behaviour. Patterns of political behaviour from different regions show different relationships, influenced as they are by inter-related factors like the social status of women, their economic position, the cultural norms and the over-all regional outlook towards women's participation in the wider society.[8]

7.25 The number of women participating as candidates at different elections, however, shows a much greater difference. For the Lok Sabha, their highest number, reached in 1971, was 17% of the total seats. As compared to the total number of candidates, women have never exceeded 4%.

TABLE IV

Women Contestants for the Lok Sabha

Year of General Election	*Total Seats Contested*	*Number of Women Contestants*	*Percentage*	*Number of women elected*	*% age of Winners*
1	2	3	4	5	6
1962	491	65	13	33	50.6
1967	515	66	13	28	42.4
1971	518	86	17	21	25.9

7.26 The Statewise number of these contestants has been generally in accordance with the total number of seats allocated to the States. The maximum number was in U. P., except in 1971, when Bihar, the next biggest State in terms of Lok Sabha seats, took the lead by one candidate. The record of Madhya Pradesh is also high except in 1971, when it dropped. This indicates that there is no correlation between the general level of women's participation, (which is consistently low in U. P., M. P., and Bihar), and the selection of women candidates, which is mostly done by the parties. Punjab, where women's participation rate has outstripped that of men in the Urban areas, has an extremely poor number of candidates. Kerala and Maharashtra show a slow increase in the number of candidates over the years, and West Bengal

8. This is corroborated by the State profiles of women's participation in politics prepared for the Committee—Narain, I.—op. cit. and a three-State-study on Politicisation and Participation of Women—Sirsikar, V.M.—also prepared for the Committee.

a sudden one in 1971, but the most visible trend is the stagnation or even decline in t
number in most States Karnataka, though not backward in any sense, did not put up
single woman candidate in three of the general elections, and only one in the other tw
Jammu & Kashmir, Nagaland and most of the Union Territories never put a single woma
candidate (Table V)

7 27 Women in Manipur, Andhra, Tamil Nadu, Karnataka and Orissa were particularly
vocal in criticising the political parties for sponsoring so few women In their view the small
number of candidates represented not the aspiration of women, but the indifference of political
parties in giving them nominations

TABLE V

Statewise Distribution of Women Contestants for Lok Sabha in different General Elections

States	No of Women Contestants			No of Women Elected		
	'62	'67	'71	'62	'67	'71
1	2	3	4	5	6	7
Andhra	7	4	7	4	3	2
Assam	3	1	3	2	N	1
Bihar	8	12	18	6	4	1
Gujarat	5	1	1	2	1	N
Haryana	—	1	N	—	N	N
J & K	—	N	N	—	N	N
Kerala	1	3	4	N	1	1
M P	11	11	8	7	5	3
Tamil Nadu	4	5	2	1	1	1
Maharashtra	2	4	5	1	1	N
Karnataka	1	N	1	1	N	1
Orissa	N	1	2	N	N	N
Punjab	N	3	1	N	2	N
Rajasthan	6	2	4	1	1	2
U P	14	13	17	6	7	6
West Bengal	2	3	9	2	2	1
Nagaland	—	N	N	—	N	N
Union Territories						
Andaman etc	—	N	N	—	N	N
Chandigarh	—	N	N	—	N	N
Dadra etc	—	N	N	—	N	N
Delhi	N	1	3	N	N	2
Goa, Daman etc	—	1	1	—	N	N
Himachal Pradesh	1	N	N	N	N	N
Laccadive etc	—	N	N	—	N	N
Manipur	N	N	N	N	N	N
Pondicherry	—	N	N	—	N	N
Tripura	N	N	N	N	N	N
Grand Total	65	66	86	33	28	21

Note The States and Union Territories as in the IV General Elections have been followed in this table Himachal Pradesh, Manipur and Tripura became States afterwards

28 The factors that determine the number of women candidates from different regions
e obviously not related to the level of poll participation, literacy or economic and social
sition of women in a region On the other hand the States where women's position
elatively low have a record of higher number of candidates On the whole, we have to
e that the number of women seeking elections either for the Lok Sabha, or for the State
emblies, has been in no way comparable to their proportion in the population

Apart from the election figures, our discussion with different groups of women in all
States point towards certain general conclusions At the level of participation, women
improved their response to the political rights conferred by the Constitution K

other things equal, over-all development such as literacy, increased mass communication etc., may help to draw a larger number of women into the political mainstream. The present participation of women in the political process, however, presents sharp contrasts. The overall statistics indicates that women's participation, though improving, is still so small as to be discouraging, particularly when compared with that of men. Though there has been a substantial number of new women entrants, during our tours we were informed by many women that there has been a large number of drop-outs from active participation. When these are from families with long political traditions, they indicate a certain process of disillusionment. This is also corroborated by some of the State studies mentioned earlier.

7.30 Muslims and tribal women show a lower level of participation both as voters and candidates,[9] thongh there are exceptions to this rule. Our survey on Muslim women indicates that a large number of the women interviewed had voted in the previous election.[10] We also met some tribal women in Tripura, Meghalaya and Bastar (M.P.), who, though not formally educated, have a keen interest in politics and participate regularly.

7.31 Women of Scheduled Castes and other intermediary groups reveal a higher participation rate. In West Bengal, women from these groups were more aware and participated relatively better than the tribal women. Studies in Gujarat and Maharastra have also corroborated this fact.[11] We met a number of women from these communities in villages in different states, whose determination to participate in elections was quite obvious.

7.32 In terms of voting participation, the rural-urban difference seems to be narrowing down, though the belief in the lower participation of rural women continues to be widespread. During the general elections of 1972, the Committee appointed some observers. The results of their investigation, as well as those of other studies[12] indicate that urbanisation per se does not have much influence on women's participation. On the other hand, the agrument that domestic duties prevent them from participation is more commonly voiced by women in urban areas, particularly by the middle classes.

In many of the villages visited by us, we came across women who have been exercising their franchise, and were fully conscious of the power that this right gave them. A group of Scheduled Caste women whom we met in a village in Madhya Pradesh had not only voted in the last elections but were very much conscious of the power conferred on them by the franchise. They were emphatic that they would hereafter vote only for such candidates who will continue to take interest in their welfare even after the election. In a village in U.P., Scheduled Caste and Muslim women were very vocal, not only about their franchise, but also about the secrecy of the ballot.

7.33 There is a general consensus that the political parties have neglected their task of politically educating and mobilising women adequately. They have also tended to ignore the claims of women in nominating candidates for elections. This criticism was voiced even by successful women legislators.

7.34 Majority of the women candidates come from relatively well-to-do families, with a sprinkling of members of old princely houses. Only one party has occasionally backed women candidates from Scheduled Castes or Tribes and Muslims.[13] Majority of the women candidates are educated, though their levels vary. About 70%-80% of the women Members of Parliament are, however, relatively better educated.

7.35 In terms of political socialisation or background, the smaller group among the candidates come from families with fairly long traditions of political participation. They are, therefore, highly articulate, have a sharp perspective of politics, and have continued in the struggle for power through several successive elections. The larger group consists of new entrants. Some of them had no previous political experience but entered the political arena for the first time through elections.

7 36 The greatest deterrent to women's active participation as candidates is the increasing expense of elections. Women were emphatic that families were still not prepared to finance

9. Sirsikar, V.M. op. cit.
10. Vide Appendix II. The sample was, however, a small one and is limited to urban areas.
11. Sirsikar, V.M. op. cit.
12. Ibid. Also the State profiles in Narain. I—op cit.
13. The present Lok Sabha has only 21 women, of whom only 5 & 1 are members of Scheduled Castes and Scheduled Tribes respectively. The Rajya Sabha has 17 women of whom 2 are Muslims, 1 Scheduled Caste and 1 Scheduled Tribe.

the elections of their women from family funds though they would do so fo Since most women have no economic resources of their own, their aspirations be fulfilled if they were fully backed by a political party Because of the majority of women candidates today are those who can command some m means [14]

7 37 The other factors which deter many women from active participation in po the threats of violence and character assassinations which have increased recently mentioned to us by many legislators and political workers Some of them have record of political activism, but still hesitate to face candidature at elections

II Indicators of Political Attitudes

7 38 It must be kept in mind that these three indices used to assess political ro largely heuristic devices, which usually overlap in describing the empirical situation Atti have a bearing on participation and impact while attitudes in turn depend to a great e on impact and levels of participation

7 39 Relative differences in the political attitudes of men and women have been stud by various scholars and form a feature of most of our political literature since independen Certain broad trends can be discerned, the most important of which are mentioned belo The point which emerges in the very beginning of our analysis is that there is no single homo genous pattern Levels of political awareness vary from region to region, from class to class and from community to community, and are conditioned greatly by the political culture of the area, the approach of the political parties to the women and the quality of local leadership

7 40 It is generally held that political awareness varies with the levels of modernisation in a given area, with concomitant factors such as literacy rates education and exposure to urbanisation and mass media This correlation however seems more apparent than real, as proved by studies in different regions

7 41 We have already pointed out the distinction in the influence of literacy and education on awareness and participation While the former is generally found to be an important determinant for both awareness and participation education does not command a similar influence While a correlation can be established between education and awareness, this does not always extend to participation We have also noted that similarly urbanization alone cannot be identified with high political awareness or participation [15] In terms of urban rural variables, there is no significant difference in political awareness

7 42 On an average, working women including professionals, indicate a higher degree of awareness, but this is not necessarily reflected in their participation [16] There is a uniform finding from different regions regarding the complaint of urban middle class women that they find their family responsibilities a handicap to political participation [17]

7 43 There is no positive relationship between higher socio economic status and the degree of awareness We may cite a few illustrations from Prof Sirsikar's study—in Gujarat, the high income group women are less aware and participate less in the political process, in Maharashtra, the higher the socio economic status—other factors being equal—lesser is the proportion of women who participate This is further borne out by the apathy of professionals with high socio economic status [18] By and large, politics constitutes a peripheral interest for women from this strata, though a significant number of women legislators come from an affluent background

7 44 Most studies on political behaviour have so far held that women are considerably influenced by their husbands and family wishes in political matters During the course of our tours however, we received ample evidence that this pattern is beginning to change and many women now exercise considerable autonomy in using their right of franchise [19] They emphasise their ability to do so because of the secrecy of the ballot Many women told us

14 This is confirmed by the State studies as well as statements of political workers
15 This is borne out by many of the State studies
16 Narain I—op cit Women voters & Mid Term Poll (1971)—A study of Attitudes, Ap Commitments by Upretti N and Mathur, D B
17 Ibid Also Sirsikar—op cit
18 Upretti & Mathur—op cit
19 This is corroborated by some of the State profiles of women in

that though their husbands still try to influence their judgement "they can't find out whom we have really voted for." In rural areas the influence of village elders plays an important role in determining political choice which also influence the women's behaviour. Even in this, however, it would not be correct to describe this as a universal rule.

7.45 In spite of such changes, it is still evident that there is a difference in the level of political information and perception regarding implications of the right of franchise etc. between men and women, both quantitatively and qualitatively. Most scholars have attributed this to the lack of interest shown by political parties, in improving the political knowledge of women. Some have also levelled this charge against the women's organisations and pressure groups. A study of urban voters in Rajasthan provides an illustration—44.5% of the women did not have any clear cut idea about their criterion for voting: 19.5% considered the personality of the candidate, 22.3% caste and family as a factor, while only 8.3% and 5.5% considered the party and the issues respectively.[20]

7.46 All the State profiles indicate one common trend—that women are more concerned with problems that affect their day to day lives. The issues are price-rise, non-availability of essential commodities. hoarding and blackmarketing, adulteration, unemployment and poverty. On several occasions during the last few years, women have organised protests against these problems.

7.47 There are indications of a growing trend of disillusionment with the political process among women. This may be partly attributed to their reactions against the prevalence of corruption and inefficiency in political circles but a great deal of such attitudes is on account of their feelings of ineffectiveness in solving problems which affect their lives. According to a study conducted in West Bengal, about 25% of the respondents stated that having votes has not helped women and even men. About 8% stated that they would not vote on principle since it did not help in any way.[21] Another study done in Rajasthan in 1971 showed that 42% of the women interviewed including housewives and working women, supported revolution for social progress as opposed to the 'ritual' of elections.[22] The majority of respondents in this study felt that the problems of the country needing solution in order of priority were as follows: 1) employment and poverty; 2) rising prices; 3) corruption; and 4) law and order.

7.48 The freedom movement and the period immediately succeeding independence brought the involvement and commitment of women in the political process. However, the institutionalisation of this process resulted in difference in perception of goals and methods of achievement. The absence of a movement in the period after independence explains the low involvement of women in the political process. Such involvement is however always visible during national emergencies.

7.49 It was repeatedly brought to our notice that the unity between political, economic and social issues that characterised the freedom movement was one of the causes for women's high degree of participation. The divorce between social problems that affect women directly, and the political process, has been one of the major causes of women's lower participation in politics in recent years.

III—Indicators of impact of women on the political process

7.50 While the percentage of political participation and the number of women contestants have shown a gradual increase, their record of success at elections, however, presents a very different picture. The number and percentage of successful women candidates for the Lok Sabha has been declining steadily from 33 (50 6%) in 1962 to 21 (25.9%) in 1971.[23] The variations in the number of contestants and those elected are not easily accountable. The sharp decline in successful candidates in 1971 has been attributed to the sudden increase in the number of independent women candidates which increased from 10 in 1967 to 31 in 1971,

20. Bhambhri. C.P. and Verma, P S.—*the Urban Voter*—1973—p. 149.
21. Banerjee, Nirmala—Politicisation and Participation of Women in West Bengal (undertaken for the Committee).
22. Upretti and Mathur op. cit.

Note : As has been indicated, our findings regarding women's political attitudes are based mainly on our discussions with different groups of women during our tours. and on the results of studies on political attitudes and behaviour in different parts of the country. Since such studies are a new development in India, they suffer from obvious limitations Most of them are micro-studies limited to particular regions. Nor are such studies available for all States.

23. Vide Table II. Three more have been elected since then.

only one of whom was elected, thus bringing the percentage of successful contestants dow to 25 9% This, however, does not explain why the parties' nominations should have bee so few Table VI indicates the party affiliations of contestants and successful candidate for the Lok Sabha since 1962

TABLE VI

Female contestants and their political parties (Figures below the line indicate successful contestants)

Year of the Election	Cong	Swat	BJS	CPI	CPM	PSP	SSP	Ind	Others	Total
1	2	3	4	5	6	7	8	9	10	11
1962	33 / 28	9 / 4	3 / N	3 / 1	—	1 / N	3 / N	8 / N	5 / N	65 / 33
1967	36 / 21	3 / 3	3 / 1	3 / N	1 / 1	1 / N	2 / N•	10 / 2	7 / N	66 / 28
1971	21 (14)* / 15 (N)	3 / 1	3 / 2	3 / 1	2 / 1	1 / N	1 / N	31 / 1	7 / N	86 / 21

*Figures in brackets indicate "Congress (0)"
N=Nil
Cong=Congress, Swat=Swatantra, BJS=Bharatiya Jana Sangh,
CPI=Communist Party of India, CPM=Communist Party (Marxist)
PSP=Praja Socialist Party, SSP=Samyukta Socialist Party,
Ind =Independent

7 51 A statewise comparison[24] of successful women candidates for the Lok Sabha shows that the number of successful candidates has been greater in U P, Bihar, Madhya Pradesh and Andhra Pradesh where the number of contestants has also been greater Orissa, Haryana, Goa, Daman and Diu and Manipur are the only areas where women contested but were never returned Percentage-wise Karnataka was the most successful It set up only one candidate in 1962 and 1971 and elected the same Bihar, U P Madhya Pradesh, Tamil Nadu and West Bengal were the only States which sent women to the Lok Sabha in every election In terms of the overall performance, however, Andhra and Assam may also be considered satisfactory

7 52 Analysing the first general election Smt Laxmi N Menon had inferred that the number of women candidates was in inverse proportion to the percentage of literacy among them [25] This hypothesis is confirmed when tested against the figures of subsequent elections in Madhya Pradesh, Bihar and U P But Orissa, Jammu and Kashmir and Rajasthan do not substantiate this hypothesis On the other hand, Kerala West Bengal, Maharashtra and Tamil Nadu do not support the reverse of this view i e the number of women contestants does not decline relatively with a higher literacy rate We may infer, therefore, that literacy is not one of the facts that determine the number of women contestants or their uccess The backing of the party which sponsors them, the personality of the contestants, ncluding their family background, and the campaign strategy adopted, play a much more nportant role in determining the success or failure of women candidates

53 Since 1952 a total number of 212 women members have served in the Indian rliament 129 in the Lok Sabha and 83 in the Rajya Sabha Delhi, Himachal Pradesh, issa, Rajasthan and Tamil Nadu have sent more women to the Rajya Sabha than to the k Sabha Jammu and Kashmir has not had a single woman representative either in the < Sabha, or the Rajya Sabha

State Legislatures —Women representatives in the State Legislatures also present a d pattern The most significant trend, however, is either a decline or stagnation in

4. Vide Table I
5 Menon Laxmi N.

the percentage of successful contestants. In the First General Elections (1952) Gujarat elected four out of five women candidates to the Gujarat Assembly. In 1962 the number increased to 15 out of 24 but it dropped to 8 out of 17 in 1967 and 8 out of 21 in 1972. In the case of Karnataka, except for 1957 and 1962 the ratio of female to male representatives has been extremely low, the number of successful candidates dropping to 7 in 1967 and increasing marginally to 11 in 1972. In Maharashtra the number of successful candidates improved from 5 in 1952 to 14 in 1957 but has been declining ever since. The Rajasthan Assembly, which had 24 women between 1957 and 1962 contained only 6 in 1967-68. The West Bengal Assembly had 14 women in 1962, but has only 6 now.

7.55 **Political Parties and Women**[26] :—The election manifestos of the parties indicate that practically all of them agree that women constitute a backward section of the society to whom special privileges should be granted to bring them at par with men. The parties also agree that the existing gap between men and women should be reduced to the minimum possible.

7.56 **The Indian National Congress** is pledged to implement the principles of the Constitution. The recent manifestos of the party have emphasised development of education and employment opportunities for women.

The Congress has consistently maintained its position as the party sponsoring the largest number of women candidates both at Parliamentary and State Assembly Elections. The number of women contestants sponsored by the Congress, however, has remained much below its stipulated target of 15% of the total candidates. This percentage was initially decided by the party in 1957 and has been repeatedly reiterated since then but to no effect.

7.57 While the Congress has covered the largest area in sponsoring women as representatives and enjoys the distinction of having the largest number of successful women candidates in its ranks, women's position in the party hierarchy is not particularly impressive. This is significant in view of the undisputed leadership of the party by a woman. While the Working Committee, (the highest body in the party) contains 3 women out of a total of 21, and 2 out of 4 General Secretaries are women. There is considerable evidence that but for the pressure from the Working Committee, many States would continue to exclude women from the various Committees of the party at different levels. Two State Committees have women Presidents. Some of the State Committees had no women members for ten years or more. Their representation in District Committees, in Election Committees and most local units remained poor. The following examples will illustrate this fact. The Assam Pradesh Congress Committee did not have a woman member till 1972. The State Executive Committee had 2 women members in 1959 and none from then till 1970. Between 14 District Committees, the number of women has not exceeded 5. The Maharashtra Pradesh Congress Committee has only 19 women out of a total membership of 442 while its State Executive has only 3 out of 54. In the West Bengal, women form about 18% of the primary members of the Congress. There are 2 women in the State Executive of 30 members and only a few in District Committees. The new Constitution of the party provides that 50% of the nominated members on all Committees (who constitute 15%) will be women.

7.58 The Congress Mahila Front has been active in mobilising women in support of the party. In recent years it has been voicing the demand of women workers within the party. In some States it is becoming very critical of the neglect of women's demands by the official leadership. There is a general feeling among women political workers that they do not have enough opportunities to develop or demonstrate their organising ability. Exclusion from the decision making bodies within the party is responsible for considerable resentment among women political workers.

7.59 **Communist Party of India** ;—The Communist Party of India believes that in the capitalist system complete equality of women is not possible. Only a socialist system can liberate women fully by ending all types of exploitation. Women have a role to play in bringing about the social revolution which cannot be achieved if they remain in a backward condition. According to its election manifesto the party stands for equality of women in

---

26. The Committee invited national Political Parties to send their representatives for discussions. The following parties responded to the invitation :—(a) Bharatiya Jana Sangh; (b) Communist Party of India; (c) Communist Party of India (Marxist); (d) Indian National Congress (Organisation); (e) Socialist Party. The following parties did not send any representative :—(a) Indian National Congreess; and (b) Swatantra Party.

every sphere of national life The party demands equal pay for equal work, removal of all restrictions on employment of married women, extension of maternity benefits to all employed women and enforcement of the social laws that have been enacted to improve their status The party appreciates the need for adequate financial allocation and extra facilities for women's education It promises to achieve removal of all disabilities to secure women's equality with men in inheritance of property, marriage and divorce laws, entrance to educational institutions, professions and services

7 60 Out of the total membership of 2½ lakhs of the party, women are estimated to form about 5% Four women are members of the National Council which contains a total of 110 members The State units of the party, however, show variance in the pattern of women's representation

7 61 In their discussion with us the representative of the party observed that the fundamental rights of equality and protection of women guaranteed by the Constitution have not been achieved in reality because of the social situation Some special amenities and incentives have to be provided to enable women to enjoy these rights, since rights without opportunities were meaningless

The greatest cause of women's inability to enjoy these rights was their economic dependence and poverty Attempts to implement the equal pay for equal work principle by industrial tribunals have invariably ended in retrenchment of women workers Poverty also prevented them frc [illegible] the social laws enacted to improve their status The answe [illegible] participation of women in the process of social production [illegible] small scale and cottage industries only They sugge [illegible] of women and drew the attention of the Cor [illegible] eservation of jobs for women in industry [illegible] in selected industries like textiles where the [illegible] Free legal aid, particularly for women in [illegible] provided to enable them to utilise the rights provided under the social laws

Regarding education, while the party supported co-education as the ultimate objective, they noted the possible necessity of separate secondary schools for women Hostel accommodation and generous provision of stipends was also essential to improve women's education

7 62 Communist Party of India (M) —The party believes that genuine equality between the sexes is not possible in a capitalist order, and can only be realised in the process of a socialist transformation of society The party declares itself as opposed to any kind of discrimination against women It is critical of the poor progress in the field of women's welfare since independence and demands greater facilities for women's education, removal of social disabilities equal rights in matters of marriage, admission to professions and other services and equal pay for equal work This party also holds that the nation cannot progress if its women remain in their present condition of illiteracy, limited opportunities for development and as victims of obscurantist customs and prejudices

7 63 Women constitute about 1% of the party's membership. The Central Committee has one woman out of a total membership of 31 The State Council in West Bengal has 6 women members out of a total of 70 In the State Executive there are three women including one from the State Secretariat A majority of the district and local councils contain one or two women members with the exception of the Calcutta District Council which has 6 women out of a total membership of 65

In their discussion with the Committee the representatives of the party emphasised the need for economic independence of women without which there could not be real equality between man and woman in any sphere of life-social, political, legal or even family life In the absence of economic independence women were as good as private property of men In this context, they felt that the growing problem of ru[illegible] an increasing threat to the security and status of women in [illegible] in landlessness and the decay of village industries, new [illegible] vast masses of rural women were imperative In the absence of land, basic economic security and literacy, rural women have been unable to enjoy their constitutional and legal rights to an even greater extent than their counterparts in the urban areas This extreme

poverty was also the real cause for the low enrolment of girls in schools in these areas. Their suggestions to the Committee included the following :—

(i) Mass employment and mass education including education of women about their emancipation.

(ii) Free education of girls at all levels.

(iii) Inclusion of principle of equal pay for equal work in the fundamental rights and removal of existing disabilities in the law of inheritance, marriage and divorce and admissions to professions and service.

(iv) Equal shares of land and job facilities for peasant women and maternity benefits, and common kitchens for all working women.

(v) Implementation of constitutional and legal rights and propaganda against orthodoxy and conservative attitudes towards women.

7.64 **Bhartiya Jana Sangh :** This party stands for advancement of women and is keen to take special steps to remove social and educational disabilities, to enable them to discharge their responsibilities to the family, society and nation, without any fundamental change in the traditionally established principles of social organisation. The parry promises to enlarge and make more substantial the property rights of women, granting them absolute rights as members of their husband's family.

7.65 The Central Executive of the Bharatiya Jana Sangh contains five women members, one of whom is the Vice-President. The All-India Council has 83 women members. The President of the Kerala State Committee and the Vice-President of seven State Committees are women. Two States have a woman Joint Secretary. Apart from the member of the State Executives, district Committees elect one woman to State Councils. This constitutional provision is normally adhered to by 60% of the districts. The constitutional requirement of a minimum of two women members in district committees is normally followed only in 50% cases. In the local committees, however, this minimum of two cannot be met by even 20% of the committees, because it is difficult to find active women workers at the village level.

7.66 In their discussion with us, representatives of the party emphasised the need to increase the consciousness and political participation of women without which the constitutional guarantees would remain unimplemented. Their suggestions included the spread of civic and political education to foster a sense of national pride and political awareness to students, housewives and working women also who needed to be taught their civic and political rights and duties. It was their view that legislation could not improve the status of women, when society including women themselves continued to foster a sense of male superiority at all stages. In spite of outstanding performance of some women in politics, science etc. most women are conservative, backward and wholly dependent on men. Governmental and non-governmental efforts must combine to develop not 'independence' but eindividuality' of women so that they can co-operate in family, social and national life. Illiteracy and unemployment were the causes of their low position.

They were highly critical of the present trend in advertising and films which used the female figures in very bad taste. They felt that there should be some restriction or control on the mass media as these trends were leading to immorality and degeneration, particularly amongst the youth of the country. The problem of security, particularly for working women was becoming more acute, and it was necessary to provide more hostels for working women.

Regarding social laws, they said that women who protest against polygamy receive no protection and hence were afraid to do so in public. In cases of divorce, courts should examine the reasons for a woman seeking a divorce and not go by the 'matrimonial wrong' theory.

Their suggestions included, (i) free education for girls up to the end of secondary stage, (ii) night schools for working women, (iii) vocational training in village schools, (iv) compulsory home science classes in every school, (v) expansion of condensed courses and (vi) development of mobile libraries. To promote employment they suggested (i) reservation of some jobs for women in different spheres and (ii) legislation on equal pay for equal work, (iii) relaxation of conditions for employment of women, particularly rural areas.

7.67 *Indian National Congress (Organisation):*—This party is also pledged to uphold and implement the constitutional guarantees and directive principles of state policy that have a bearing on women's status. Out of a total membership of 28 in the Working Committee, two are women, one of them is the General Secretary.

7 68 In her discussion with the Committee the rep ... the reason for decline in the representation of wom... slackening of the momentum of women s mobilisation Political conflicts now a days were only on economic is... drawing out women even though unemployment was ... programmes for women in rural areas had no definite objective and had not been successful

While women had developed an interest in voting their political interest was still extremely undeveloped the main reason for this being their economic backwardness Interest in social welfare work had declined among political workers and the few who are still willing to continue such work suffered from lack of direction The general decline in political interest of women was visible in the lack of applications for nominations and in participation in various ... quota reserved by the party for ... considerable competition in obtain... omen The other two difficulties ... of economic resources and difficul...

7 69 *Socialist Party* The Socialist Party believes that women still suffer under a variety of social inequalities and demands special opportunities for women to enable them to enjoy their constitutional rights

7 70 In her discussion with the Committee the representative of the party emphasised the ignorance and indifference of ... though they had developed co... woman is still a secondary c... within the home illiteracy declining employment opportunities and the male attitude to women as objects of enjoyment Molestation and atrocities on women have been increasing but there has not been adequate public protest against such acts either from society or from the Government

In order to rescue women from their ignorance backwardness and unemployment a determined effort needs to be made by Government social workers and social institutions to educate both men and women to release them from the bondage of outmoded traditions and superstitions The representative drew attention to the Charter of Women s Rights which has been adopted in 1969 by the Samajvadi Mahila Sabha Maharashtra the Women s front of the Socialist Party The major demands are as follows

> Free education at all levels vocational and technical education at secondary level provision of part time jobs establishment of vocational guidance bureau security arrangement and amenities for women working on night shifts and village level workers uniform Civil Code social mobilisation against the dowry system and greater scope for women in electoral contests and party organisation

Positions in Government

7 71 Though only a very few women were able to reach the highest level of power and authority those who did so were recognised for their administrative skills and capacity to manage their affairs Since 1952 there have been 13 women ministers in the Union Government—6 of them were Deputy Ministers, 5 became Ministers of State 1 attained Cabinet rank and the other Prime Minister—a position which she has retained since 1966 There was one Vice Chairman of Rajya Sabha and several in the panel of Chairmen of both houses of Parliament Besides this many others have been members of various standing and ad hoc committees About 16 of the women parliamentarians had previous experience of holding political offices in the States either in the pre independence ministries formed in 1937 or in the post independence period At the state level two women have held the office of Governor two of Chief Minister one of Speaker and one as Deputy Speaker since independence Though only few have held cabinet rank women have held office in most of the States Compared to their overall number in the legislatures, the number holding offices was not low

7 72 *Role of Women Elites in the Political Process* one of the common characteristics of the women leaders in the political process during the period immediately after independence was their experience of participation in the freedom movement The women members of the Constituent Assembly which also functioned as the Central Legislative Council in the first 5 years after independence were mostly veterans of the freedom struggle Most of them had

worked in the movement for women's welfare and development. They were the spokesmen of the women's cause in the Legislative Body and played an important role in mobilising public opinion in support of the social legislations that changed the legal status of women within the first few years after independence. Some of them also played their part in shaping the policies and programmes women's development that were taken up by the Government of India.

7.73 While most of the women leaders who had attained a national stature during the freedom struggle were to be found in the circles of the Central Government or legislatures, in the States a new generation of women entered the political process. The accounts from the States emphasise that experience of social work, particularly among women, while it is still considered a qualification for candidates seeking representation in local bodies, has ceased to be an important qualification for women representatives in the legislatures. As pointed out by some of the political workers interviewed by the Committee, political conflicts these days, particularly at the state level seldom reflect social differences. The issues are primarily economic which are used by various political parties to seek power in the State Government structure. The women who have been involved in this process mostly come from the economic and political elite of the States and their entry into the political process, particularly representation, depends more on their support within the party rather than on the electorate. Their electorate campaigns are conducted by party workers among whom women form a minority. Only some women candidates have attained their position through active political and organisational work among the masses.

7.74 Women candidates and legislators have rightly seen their roles as representatives of the people. Both in Parliament and in State legislatures they have been more concerned with problems of a general nature dealing with issues of national and state importance. In the earlier years, while women participated in such general discussions, on questions relating to women, their championship of women's causes cut across party lines and evoked concerted articulation. In recent years, however, women legislators have not shown such concern or interest in problems that affect women specifically. During a recent debate in the Rajya Sabha on a private resolution on equal pay for equal work for women, not even one-third of the women members attended the discussion and only a few spoke. This lack of interest has led to criticism by women outside the circle of active politicians that the women political elite today are not much concerned with the problems affecting large masses of women in the country.

7.75 An analysis of debates and discussions in the legislative bodies indicate the very meagre attention given by these institutions to women's problems. It would appear that the political elite of the country, of both sexes, had come to believe that the problem of women had practically been solved with the measures—legal and administrative—adopted in the first few years after independence. The very articulate debates on women's problems that took place in the earlier period, in which women members invariably played a major role has not been repeated in the later years.

7.76 The reason for this lack of concern among the political elite to the problems of women is the absence of an active women's movement. While the number of political organisations seeking to mobilise women is now much higher than in the earlier period, their identification with different political parties prevents most of them from arousing women's consciousness for the solution of problems which are specific to women. We have already pointed out the significant gap between the degree of politicisation and participation of women and its reflection in the representation of women in the legislative bodies. States which have a larger group of women representatives both in the State Assemblies and in Parliament are also states where the level of politicisation among the masses of women is low. States where political mobilisation of women seems to have developed more have very few women members in the legislature. It would appear, therefore, that the institutionalisation of political activities has resulted in a failure on the part of women to exert adequate pressure on political institutions for solution of the problems that affect their lives. A number of women who have entered the power structure have reached it mainly through certain ascriptive channels. This, coupled with their small numbers in the legislatures as well as decision-making bodies within the parties explains their inhibition and failure to voice the problems of women in these institutions. The reasons for this gap have to be sought in the nature of campaigns to mobilise women, and in the functioning of the particular women's pressure groups.

Effectiveness of Campaigns to Mobilise Women

7.77 *Mobilisation by Political Parties* : It has been observed during all elections that political parties used women both as instruments of campaign and objects (women's welfare)

set forth for achievement The hand-bills, posters and public meetings emphasise the specific promises for women in the parties' manifestos Some local problems are also used in the propaganda For instance, during the 1971 Parliamentary elections, the women of Bombay were promised copious water supply from municipal taps and abolition of prostitution [27]

7 78 In larger cities all the parties try to engage a number of active women workers for
g the 1962 elections, in one constituency in Bombay the
ne PSP 200, the Jana Sangh 400 and the Samyukta Maha-
in urban areas were generally approached during the

7 79 Rural women, and women in smaller
attention from the parties who often content
or village elders During the 1971 Parliamen
paign methods of all parties In their opinion, vehicles passing through villages, shouting party slogans or approaching only prominent persons in villages, ignored the need of explaining matters to the villagers, particularly the women In their opinion this would be much better achieved by village meetings which the women co
approach by politically committed workers Studies on
agree that inter-personal contact and public meetings a
other mass media

7.80 The inadequate number of women party workers have sometimes led to the use of paid canvassers This experiment has, however, not yielded very happy results, particularly in rural areas Villagers are generally opposed to women from outside coming in for canvassing except when they are known to be politically committed workers One study of the 1962 elections in U P noted the very critical reactions of the local community to paid women canvassers brought from outside Their employed status was the subject of many adverse comments in private discussions [30]

7 81 Most parties accept the religiosity of women and make use of religious festivals to approach them by organising religious functions Even secular parties have indulged in this practice [31] It has generally been found that women attend such functions in larger numbers than men

7 82 In spite of such occasional attempts, however, the common theme emphasised in prac-
iters individually or in a group, by
importance to winning the support
their wishes would prevail with the
women as well [32]

7 83 It is clear from the experience of all the general elections, that though the women constitute nearly 50% of the electorate they are not aware of their strength nor has this source been adequately tapped by any political party There has not been any bargaining on the part of organised women with the political parties for their support, except in Jammu where the Istri Sabha put forward a demand for reservation of 6 seats as the price of support from its members The political parties' failure to adequately mobilise women's support indicates that they have not yet appreciated this as a source of power In the opinion of some scholars, if a political party organises this half of the nation its chances of winning the elections would improve considerably [33]

7 84 *Mobilisation by Non-political Organisations* —The most important of these organisations are those which focus their activities exclusively on the welfare and liberation of women and are run by women themselves

All India Women's Conference — This was founded in 1926 Recognised as a forum for voicing the problems and grievances of women, it has non-political, primarily social objectives From its inception it has stood for equal social, political and economic rights for women The most notable feature of such activities was its campaign for reform of marriage and inheritance laws

---

27 Dastur A J etal *Parliamentary Elections in Bombay* 1971 pp 26 & 32
28 Sirsikar, V M —*Political Behaviour in India-A Case Study of the 1962 General Elections* 1965 p 93
29 Dastur, A J —op cit
30 1971, p 183
31
32 Haryana (mimeo)—Punjab Unit p 150
33

and mobilisation of support for the Hindu Code Bill. Most of the women members of the Constituent Assembly who fought for this measure in the central Legislature in the early 50's were leaders of the All India Women's Conference.

7.85 Since independence, however, the Conference has been focussing its attention primarily on the welfare and relief of women and children. The specific pressures and programmes started by the organisation for this purpose include enforcement of the anti-polygamy and divorce laws, development of institutional facilities for working and destitute women, liberalising the abortion law, family planning and equal pay for equal work. The conference is mainly a deliberative body using resolutions as its main method of pressurising the government.

7.86 *National Council of Women in India:*—Founded in 1925 it had objectives very similar to that of the AIWC. In the post-independence period it has concerned itself mainly with education, medical care and family planning. Its activities and membership is confined mainly to urban areas.

7.87 *Bharatiya Grameen Mahila Sangh:*—Established in 1955, the sangh aims to work among and improve the conditions of rural women, to vocalise their aspirations through appropriate channels which could act as pressure groups on the government and other public authorities, for the removal of women's disabilities and to promote local leadership among rural women through constructive programmes. Its secondary objective is to assist in planned rural development deal with agriculture, cottage industries, rural housing etc. The sangh has been active in organising various training programmes for farm women, for women in border areas, and in organising mahila mandals in villages.

7.88 *National Federation of Indian women:*—Established in 1954, this federation has a different set of objectives. It aims at raising political and social awareness of women to fight for social justice and a social transformation, which alone can release them from their present restricted position in society. Their constructive programmes include mainly literacy but they have been active in mobilising women's protest against all types of injustice and social evils. They have been emphatic in condemning ill-treatment and exploitation of harijan women and women workers. The recent protests by women in different parts of the country against rising prices, hoarding, adulteration and corruption were organised as a result of an appeal from the National Federation of Indian Women.

7.89 From the discussions that representatives of these organisations had with the Committee, it appears that while their broad objectives and activities show certain similarities, there are certain differences in their concentration and orientation. Though the leadership of all these organisations come mainly from the urban educated middle class, the membership of the National Federation is composed largely of women from the less affluent sections of society–particularly working women. The hard core of its workers come from this group.

7.90 All of them admitted that they had not been fully successful in reaching the message of their new rights conferred by the Constitution and the Social laws to all women in the country. They also admitted that lack of consciousness among women had been a major cause for non–implementation of these laws.

7.91 **Stri Shakti Jagaran :** — This is a new movement to mobilise women to fight for a just place for women in society, using Gandhian ideals and techniques. Launched by the Mahila Sarvodaya Sammelan in 1973, the movement believes that the status of women can be raised by women alone. It appeals to all women to abandon purdah, untouchability to caste or class distinctions, dowry and ostentatious expenditure during marriages, discrimination between boys and girls and to resist corruption in all spheres, both within and outside family.

7.92 Apart from these bodies there are many professional or other specific women's organisations working in different parts of the country. A large number of them are engaged in some type of welfare work among women and children. The Federation of University Women's Associations has been studying problems of women and is currently engaged in exploring opportunities for part-time employment. The All-India Medical Women's Conference also has been discussing problems of women doctors, and issues arising from the present emphasis on family planning and nutrition. Though some of these organisations, like the Trained Nurses' Association, the Women Lawyers' Association etc. are more in the nature of

trade unions, some of them also take up some welfare or constructive work among women They have not, however, undertaken any campaign to mobilise women in general

7 93 Though the trade union movement in India is not a new one, it did not involve women in any substantial numbers till later Since most trade unions in India are associated with some political party they are normally one of the most powerful agencies for political mobilisation In the case of women, however, this part of their activity has been rather secondary While women leaders in the trade union movement have played a major role in bringing about changes in the labour laws to provide protection for women both inside and outside the legislatures most trade unions admit that they have not made much efforts in [illegible] rights One of our studies found [illegible] relationship with women's political [illegible]

7 94 Whenever these organisations have acted in concert, to defend the rights of women their influence as pressures groups has however been fairly effective We have already noted their role in the enactment of the social laws e g the reform of Hindu laws, the proposed amendment of the income tax law, to club the incomes of husband and wife for purposes of assessment, was protested against by most women's economic independence It is generally believed that this protest was responsible for the abandonment of the idea

General Conclusions —

7 95 Our findings indicate that women's participation in the political process has shown a steady increase, both in elections and in their readiness to express their views on issues directly concerning their day to day life But their ability to produce an impact on the [illegible] their political [illegible] The structures [illegible] n, most party- [illegible] y have tended to see the women voters and citizens as appendages of the males and have depended on the heads of families to provide block votes and support for their parties and candidates

7 96 The entire exercise of our Committee has indicated that in certain important areas and for certain sections of the female population there has been some regression from the normative attitudes developed during the freedom movement Evidence of this has been given in Chapters III and V Large sections of women have suffered a decline of economic status Every legal measure designed to translate the Constitutional norm of equality or special protection into actual practice has had to face tremendous resistance from the legislative and other elites Even after the promulgation of these laws, the protection enjoyed by the large masses of women from exploitation and injustice is negligible As an example we would like to mention the cases of persecution of Harijan women that have increased in recent years Among women themselves the leadership and the attitudes of the elites, social or political have become diffused and diverse with sharp contradiction in their regard and concern for the inequalities that affect the status of women in every sphere

7 97 We are, therefore forced to observe that all the indicators of participation, attitudes and impact come up with the same results—the resolution in social and political status of women for which constitutional equality was to be only the instrument still remains a very distant objective While there is no doubt that the position of some groups of women have changed for the better by opening to them positions of power and dignity, the large masses of women continue to lack spokesmen who understand their special problems and be committed to their removal in the representative bodies of the State

7 98 From this point of view though women do not numerically constitute a minority, they are beginning to acquire the features of a minority community by the three recognised dimensions of inequality — Inequality of class (economic situation), status (social position) and political power If this trend is allowed to continue the large masses of women in India may well emerge as the only surviving minority continuously exposed to and injustice

---

34 Banerjee, Nirmala—Politicisation and Participation of women in West Bengal

7.99 The chasm between the values of a new social order proclaimed by the Constitution and the realities of contemporary India society as far as women's rights are concerned remains as great as at the time of independence. The right to political equality has not enabled women to play their roles as partners and constituents in the political process, because we have forgotten Gandhiji's warning not to treat political rights as an end in itself but only as a means.

7.100 Instead, these rights have helped to build an illusion of equality and power which is frequently used as an argument to resist special protective and acceleratory measures to enable women to achieve their just and equal position in society. It is surprising that in spite of the special powers provided by Article 15 (3) of the Constitution'[35] *almost no efforts* have been made to redress the unequal status of women in different spheres. We have frequently heard the view that the greatest indicator of the status of women in this country is that it has been ruled by a woman for the last 9 years. We are compelled to disagree with this view, because in our opinion this is not an indicator of the real status of women in this country.

7.101 Though at the public level there are a number of women who recognise and advocate the desirability of giving equal opportunities to women in economic and political spheres, the norms and attitudes regarding a woman's role in society remains traditional. In this sense, the new rights prove to be only concessional. Thus it is clear that despite certain legal and even institutional changes, the final legitimation for a successful reorganization of society lies in a revolution in norms and attitudes in the minds of the people. The recommendations that we make are out of a desire to make the political rights of women more-functional as required by the needs of a democratic system.

THE QUESTION OF RESERVATION OF SEATS FOR WOMEN IN LEGISLATIVE BODIES

7.102 Before we take up our recommendation we have to record our views on a suggestion to which we have given considerable thought. In the course of our tours we received a demand from groups of women in some States for a system of reservation for women in the legislative bodies in the States and in Parliament. We summarise their arguments below:-

7.103 (A) The difficulties being experienced by women in obtaining adequate representation and spokesmen of their cause in these bodies, and the declining trend in the number of women legislations is the result of the reluctance of political parties to sponsor women candidates. The parties reflect the established values of a male dominated society, which would be difficult to alter without certain structural changes in the socio-political set up. The parties would continue to pay lip service to the cause of women's progress and the policy of 'tokenism' by having a few women in the legislative and executive wings of government whose minority and dependent status offer serious obstacles of their acting as spokesmen for women's rights and opportunities.

7.104 (B) If this process continues over a period of time more and more women, losing faith in the political process to change their condition in life, may opt out of the political system and become either passive partners or rebels. In the present context in India the greater majority would undoubtedly follow the first path because most of them have not shaken off the feelings of subjugation and inferiority generated by centuries of subordination.

7.105 (C) A system of reservation of a proportion of seats for women in these bodies would provide an impetus to both the women as well as to the political parties to give a fairer deal to nearly half the population in the various units of government. If women enter these bodies in larger number the present inhibitions that result from their minority position in these institutions may disappear faster and give them greater freedom to articulate their views.

7.106 (D) A system of reservation may also increase the women legislators' sense of responsibility and concern for the problems affecting women, thus ensuring the presence

35. Article 15 (1) "The State shall not discriminate against any citizen on grounds only of religion, race, caste, place of birth or any of them .. ..(3) Nothing in this article shall prevent the State from making any special provision for women and children."

The only measures for the special protection of women taken up by Government since independence are in the field of Labour Laws. It should be noted that these were also recommended by various conventions of the International Labour Organisation.

of a body of spokesmen of the women's cause in the representative bodies of the States Such a system would also help to increase the degree of political mobilisation of women both in the electorate and within the parties.

7 107 Support for reservation also came from a group of scholars who undertook an examination of women's role in the political process at the Committee's request We summarise their views below -

7 108 (a) The process of Indian women coming into their own 'politically' has been slow and halting because Indian political culture is a political, and the force of tradition has been particularly against participation of women in politics Improving the political status of women is an integral aspect of the over-all problem of socio-economic change and 'broadening the political elite structure' At a later stage of development changes in the socio-economic order may buttress changes in the political status of women but "it has to be the other way round in present day India" [36]

7.109 (b) The failure of Indian society to "look upon women's participation with sympathy and understanding" is an exceedingly [illegible]
of both men and women A 30% reservation of seats [illegible]
alter the very character of our legislature and will [illegible]
their strategies and tactics and induce them to give women their due Reservation of seats for women cannot lead to their becoming 'isolated pockets in the nation', because "women are not marginal to society as a minority group might be" It could, instead lead to increase in women's participation and motivate them to shoulder their political responsibilities [37]

7 110 If "access to policy making powers and facilities is a component of social status" then the presence of more women in the legislatures will help to direct the rate and type of changes in the position of women Only a system of reservations, increasing the number of women representatives will help to broaden the base of women's representation in the legislative bodies

7 111 Such a transitional measure to break through the existing structure of inequalities will not be retrogression "from the doctrine of equality of sexes and the principle of democratic representation" and may serve the long term objectives of equality and democracy in a better manner than the present system where inequalities get intensified As compared to the situation before independence when with a system of reservation women constituted 3 3% of the membership of the central legislature, the average proportion of women in Parliament since 1952 without reservation has been roughly 4% The existing limitations on the role being played by this minority of women legislators may increase if their number declines further with the continuation of the already recognised trend in this direction [38]

7 112 We however received a strong opposition to the suggestion from representatives of political parties and most women legislators They felt that any system of special representation would be a retrograde step from the equality conferred by the Constitution There was also some resistance to women being equated with the socially backward communities as all women do not suffer from the same disabilities as these under privileged groups The representatives of some parties however did not have any strong objection to reservation of seats for women in local bodies for which certain precedents were already existing

[illegible] under representation of women in [illegible] and qualitatively is a real one, [illegible] unable to recommed a system of [illegible] asons for rejecting the suggestion are summarised below —

(a) The women's cause in India has always been championed by all progressive elements, men as well as women A climate favourable for the betterment of women's status can best be created by their joint efforts

---

36 Narain I—Political Status of Women in India—Introduction
37 Sirsikar V M —Politicisatio [illegible]
38 Baxi, Upendra—Provisions [illegible] Constitution-an analytical examination undertaken for the Committe[illegible]
It is a matter of coincide[illegible] and the law expert should have made this suggestion We were not able to ascertain the views of other experts on this question

(b) So far women have served as representatives of the people. Separate constituencies for women would narrow their outlook.

(c) There is a fallacy in the entire argument for separate representation for women. Women's interests as such cannot be isolated from economic, social and political interests of groups, strata and classes in the society. In point of fact the problems connected with status of women are linked with formulation, articulation and modalities of the realisation of other interests.

(d) Such a system of special representation may precipetate similar demands from various other interests and communities and threaten national integration.

(e) Experience has shown that the privilege of reservation once granted, is difficult to withdraw. This would amount to perpetuation of unequal status.

(f) Women have been competing as equals with men since 1952. They must continue to do so and stand on their own merits and intensify their political and social life. A departure from this equality now will be a retrograde step.

(g) The minority argument cannot be applied to women. Women are not a community, they are a category. Though they have some real problems of their own, they share with men the problems of their groups, locality and community. Women are not concentrated in certain areas confined to particular fields of activity. Under these circumstances, there can be no rational basis for reservation for women.

7.114 We do not think it would be proper for us to suggest such a major change in our political structure on the basis of the rather insubstantial evidence that we have received.

7.115 Even though we did not accept the suggestions for reservation for women in Parliament or the State Legislature, we find that in order to provide greater opportunities to women to actively participate in the decision-making process, it is imperative to recognise the true nature of the social inequalities and disabilities that hamper them. This can best be achieved by providing them with special opportunities for participation in the representative structures of local Government. The necessity to associate women representatives in local self-governing bodies is already accepted in this country and provision for reservation of seats for women through either election, co-option or nomination in these bodies exist in most of the state legislations that govern the constitution of these bodies.

7.116 It has been our experience, however, that this association, with the exception of a few areas is mostly regarded as a form of 'tokenism.' We feel that the time has come now to move out of this token provision for women's representation to a more meaningful association of women in the structure of local administration.

A second reason for this is the general apathy and indifference of these local bodies of women's development and change of status which has been reported to us by women's organisations and welfare and extension workers, particularly in rural areas. It may be noted that a large number of Mahila Mandals have been organised in both rural and urban areas through the initiative of welfare organisations like the Central Social Welfare Board and its state agencies, Ministry of Agriculture and Community Development and voluntary bodies like the Bharatiya Grameen Mahila Sangh. The status of these bodies is purely voluntary. Some of their members have acquired both experience and interest in developmental activities, but they are not representatives and their constitution does not result in associating or involving large majority of women in these activities. Nor do these bodies receive much recognition from the statutory local self-governing institutions. We received complaints of neglect and lack of funds for women's programmes from women workers throughout the country. This was confirmed by specialists working in the field of Community Development and Panchayati Raj.

7.117 *We therefore recommend the establishment of Statutory Women's Panchayats at the village level to ensure greater participation by women in the political process.* These bodies are not meant to be parallel organisations to the Gram Panchayats but should form an integral part of the Panchayati Raj structure, with autonomy and resources of their own for

Note : Smt. Neera Dogra, Smt. Lotika Sarkar and Smt. Vina Mazumdar have disagreed with this decision. Their note of dissent is attached at the end of the Report.

the management and administration of welfare and development programmes for women and children. We recommend them as a transitional measure to break through the traditional attitudes in rural society which inhibit most women from articulating their problems or participating actively in the existing local bodies. An exclusively women's body would eliminate this difficulty and provide opportunity to more women to gain experience and confidence in managing their own affairs. Their enhanced legal status, we believe, will have a direct impact on the general status of women in rural society and their increasing experience and responsibility may be expected to improve women's keenness and capacity for greater participation in the political process. Lastly, the existence of such statutory bodies would help to ensure better co-ordination of various Government services and programmes for women at the level of implementation. Like the Panchayats, these bodies could be directly elected by the women of the village and should have the right to send their representatives to the Panchayat Samities and/or Zila Parishads. To ensure a viable relationship between the existing Gram Panchayats and the proposed women's panchayats, the Chairman and Secretary of both these bodies should be ex-officio members of the other.

2. At the level of municipalities the principle of reservation of seats for women is already prevalent in certain states. *We therefore recommend that this should be adopted by all states as a transitional measure.**

We also recommend the constitution of permanent committees in municipalities to initiate and supervise programmes for women's welfare and development.

3. *We recommend that political parties should adopt a definite policy regarding the percentage of women candidates to be sponsored by them for elections to Parliament and State Assemblies.* While they may initially start with 15%, this should be gradually increased so that in time to come the representation of women in the Legislative Bodies has some relationship to their position in the total population of the country or the state.

4. *We further recommend the inclusion of women in all important committees commissions or delegations that are appointed to examine socio-economic problems.*

---

*Smt Phulrenu Guha, Km Maniben Kara, and Smt Savitri Shyam did not agree with the recommendation.

CHAPTER VIII

POLICIES & PROGRAMMES FOR WOMEN'S WELFARE & DEVELOPMENT

8.1 Indian planners have generally seen development as a process comprehending the entire social system.

> "Maximum production, full employment, the attainment of economic equality and social justice constitute the accepted objective of planning......plan for development must place balanced emphasis on all these."[1]

> "Development touches all aspects of Community life and has to be viewed comprehensively. Economic planning thus extends out into extra economic spheres—educational, social and cultural."[2]

> This broad approach to development was to give shape to the policy of transforming India into a welfare State, as directed by the Constitution.

8.2 The overall development process envisages a share in the development generated by the Plans equally for women and men. Since the Constitution stresses the need for promoting with special care the educational and economic interests of the weaker sections of the people, the welfare and development of women received particular attention from the beginning.

> "We talk about a welfare State and direct our energies towards its realisation. That welfare must be the common property of everyone in India and not the monopoly of the privileged groups as it is today. If I may be allowed to lay greater stress on some, they would be the welfare of children, the status of women and the welfare of the tribal and hilly people in our country. Women in India have a background of history and tradition behind them, which is inspiring. It is true, however, that they have suffered much from various kinds of suppression and all these have to go so that they can play their full part in the life of the nation."[3]

8.3 The Planning Commission's 'Plans and Prospects for Social Welfare in India, 1951-1961' spells out social welfare services as intending to cater for the special need of persons and groups who by reason of some handicap—social, economic, physical or mental—are unable to avail of or are traditionally denied the amenities and services provided by the community. Women are considered to be handicapped by social customs and social values and therefore social welfare services have specially endeavoured to rehabilitate them.

8.4 The Planning Commission defined three major areas under which they have paid special attention to women's development :—(a) education, (b) social welfare, and (c) health. The development of education for women has been already discussed. In this Chapter we shall examine the policies, provisions and programmes for women's development, in the fields of social welfare and health including the administrative agencies created by the Government of India to implement the overall policies regarding women's development, in order to assess the achievements in this regard.

8.5 The First Plan emphasised that, in order to fulfil women's legitimate role in the family and the community, adequate services need to be promoted for her welfare. Well organized social service departments are needed in the States to initiate comprehensive programmes of women and child welfare. It recognised that the problem of high infant and maternal mortality were mainly due to mal-nutrition and undertook to develop (a) school feeding schemes for children and creation of nutrition sections in the State Public Health Departments; (b) maternity and child health centres; and (c) family planning.

8.6 The Second Plan emphasised the need for special attention to problems of women workers, since they were comparatively less organised and suffered from certain social

1. *First Five Year Plan*, Planning Commission-p.28
2. *Second Five Year Plan*
3. Jawaharlal Nehru-Foreword to *Social Welfare in India*—The Planning Commission, 1955.

prejudices and physical disabilities They were also paid less because of the feeling that they were less suited to heavy work and were more vulnerable in situations which produced fatigue The Plan stated therefore that women should be protected against injurious work should receive maternity benefit and creches for children It also suggested speedy implementation of the principle of equal pay for equal work provision of facilities for training to enable women to compete for higher jobs and expansion of opportunities for part time employment

8 7 The main thrust of the Third Plan as regards women's development was on the expansion of girls education * In social welfare the largest share was provided for expanding rural welfare services and condensed courses of education for adult women The health programmes for women mainly concentrated on provision of services for maternal and child welfare health education nutrition and family planning

TABLE No I

Allocations And Expenditure On Social Services In Various Plans (Rs in crores)

Head of Development	*First Plan* Allo-cation	Expdtr	*Second Plan* Allo cation	Expdtr	*Third Plan* Allo cation	Expdtr	*Fourth Plan* Allo cation	Expdtr	*Fifth Plan* Allo cation	Expdtr
1	2	3	4	5	6	7	8	9	10	11
1 Education and Scientific Research	149 (7 6)	—	273 (5 8)	—	660 (7 7)	—	98 22 (8 50)		1826 (3 46)	—
2 Health	98 (5 0)	—	216 (4 6)	—	226 (2 6)	—	226 (2 6)	—	816 (1 53)	—
3 Family Planning	0 65	0 15	4 97	2 16	26 98	24 85	315 (1 9)	—	516 (0 97)	—
4 Social Welfare	4 0 (1% approx)	1 60	19 70 (2 2)	13 44	32 00 (2 3 approx)	19 40	88 94	48 24* (1969 73)	229 (0 43)	—
(Social Services & Miscellaneous	472 (24 1)	459 (23)	855 (18 3)	830 (18)	1492 (17 4)	1493 (17 4)	2771 (17 4)	—	5910 (11 17)	—
(Womens Welfare under Social Welfare Sector)	** 4 00	—	** 1900	—	** 21 70	—	** 73 06	—	** 62 91	—

Source a) Planning Commission Government of India (Allocations on Women s Welfare Under Social Welfare Sector of Five Year Plans)
b) India—A Reference Annual 1974—pp 159 (Allocation and % of the First three Plans)
c) Draft Fifth Five Year Plan—1974 79 Vol I (Allocation and % of the Fourth & Fifth Plans) Govt of India pp 83 85
d) Indian Economy—Datta R and Sunderam K P M —pp 228 (Exptr & % on Social Services of First three Plans)
e) Year Book—Family Welfare Planning in India—1972 73 (Allocation & Expdtr of First three Plans) Govt of India pp 6 7 & 8
* 1972 73 (Expenditure on Fourth Plan) is anticipated
** Includes provision for other categories e g Children physically handicapped etc

Note Figures in parentheses indicate percentage of total allocation and expenditure

---

* This was in response to the recommendation of the National Comm ttee on Women s Education See Chapter VI

8.8 The approach in the Fourth Plan was a continued emphasis on women's education. As regards social welfare, the approach was to let the voluntary sector operate the bulk of departmental programmes. Governmental efforts were confined to the provision of institutional services for destitute women and women rescued from prostitution. The basic policy was to promote women's welfare with the family as the base of operation.

8.9 The outlay on family planning was stepped up to reduce the birth rate from 40 to 25 per 1000 through mass education and motivation, and with cooperation of voluntary agencies and local leadership. High priority was assigned to immunisation of pre-school children and supplementary diet for children and expectant and nursing mothers.

8.10 The Draft Fifth Five Year Plan indicates that priority will be given to training women in need of care and protection, women from low in-come families, needy women with dependent children and working women. A programme of functional literacy to endow women with necessary knowledge and skills to perform the functions of the house-wife (including child care, nutrition, health care, home economics, etc.) will be launched for the age group 15-45. Special steps will be taken for the placement or follow-up of successful candidates under the existing scheme of condensed courses of education and the socio-economic programmes. In addition to production-cum-training units, managerial and sales training will be introduced to promote the marketability of goods produced in different units. Under the Health programmes, the primary objective is to provide minimum public health facilities integrated with family planning and nutrition for vulnerable groups, children, pregnant and lactating mothers. The plan emphasises the need to correct regional imbalances and provide services to meet the minimum needs of the community.

8.11. An examination of the Five Year Plans reveals that in spite of the policy emphasis on welfare or investment in human resources, the share of investment in the social services in terms of the actual allocation has been steadily declining in successive plans. The objectives emphasised in the various plans, as well as the share of allocations indicate that among programmes specifically designed for women's development, the order of priorities up to the Fourth plan has been education, then health, and lastly other aspects of welfare because it was generally assumed that all other programmes will benefit women indirectly, if not directly.

8.12. Programmes for women's welfare and development may be classified as follows:

A—Programmes under statutory obligations :—The Suppression of Immoral Traffic in Women and Girls Act, 1956 provides for institutional custody and after-care programmes. The Maternity Benefits Act, 1961 has a provision for leave and cash benefits. Under the protective laws, women in organised industries[5] are entitled to provision of creches and family welfare facilities.

B—Programmes for development:—Under this category can be included the largest number of programmes which provide essential services and opportunities to women for development, such as education, health, maternity & child welfare, family planning, nutrition, socio-economic training and certain community organizations.

C—Programmes for special group ;—These vary from State to State. Some special assistance programmes have been initiated to serve groups like widows, the aged and the destitute, in the way of pensions or homes. A programme to provide hostels for working women in urban areas was initiated in the Second Plan, and has been continued over all successive Plans. For girls from backward communities, scheduled castes and scheduled tribes, there is provision for scholarships, and free residential schooling in Ashram schools.

8.13. While there has been additions and shifts in emphasis regarding the concept of women's welfare and development under the various Plans, and in some cases programmes have been expanded or integrated with others under a new nomenclature, the nature and content of the programmes have not changed.

Agencies for Women's Welfare and Development

8.14 In pre-independence India, while provisions of health and educational services had been increasingly demanded from the State, social welfare programmes were administered mainly

5. Some of the unorganised industries also have been recently brought under the scope of protective laws-see Chapter V.

by voluntary agencies There was no comprehensive nation wide programme to provide welfare services After the attainment of independence, it was felt that social and economic uplift of the masses required Government assistance to strengthen the services rendered by voluntary agencies The administrative structure inherited from the colonial Government was clearly not equipped for this task The Central Government therefore created a new agency-the Central Social Welfare Board in 1953 to promote welfare and development services for women, children and other underprivileged group by providing assistance to voluntary agencies, improving and developing welfare programmes and sponsoring them in areas where they did not exist Following the creation of the Central Social Welfare Board, the State Governments set up, at the request of the Central Social Welfare Board, State Social Welfare (Advisory) Boards for the same purpose This was necessary, as welfare is a State subject

8 15 Even after creation of these Boards, there is no clear pattern in social administration The responsibility for planning and administering women's welfare and development is scattered in various departments and other agencies of the government The federal framework, and the need to involve voluntary or community organisation in this task generally results in a three tier structure of administration, with agencies at the centre, the State and the local level

8.16 At the Centre, the major responsibility for planning and implementing women s welfare and development programmes rests mainly with the following i) Planning Commission, ii) Ministry of Education and Social Welfare with its two specialised agencies the Central Social Welfare Board and the National Council for Women's Education* , iv) Ministry of Health and Family Planning , v) Ministry of Home Affairs , vi) Ministry of Labour and Employment

8 17 At the State level, there is no uniform pattern Programmes for women's and children's welfare and development are administered by a large number of departments All States have separate departments for Health, Family Planning and Education With the exception of a few States, the Department of Agriculture and Community Development also is responsible for some women's programmes In some States, the department of Local-Self-Government is involved in these programmes Social Welfare departments or directorates as well as Social Welfare (Advisory) Boards have been set up in most States In some cases, they exist independently while in others they have been combined with education, tribal welfare etc A few States have set up separate directorates for Women's Education or Women's Welfare

8 18 The Committee endeavoured to collect information from all Central and State Departments concerning their special programmes for Women's welfare and development 12 Ministries of the Central Government indicated that they have some programmes for women's welfare 19 States and one Union Territory indicated the existence of similar programmes. The replies were not comprehensive and often did not provide full answers to our questions Two things, however, clearly emerge from these replies

a) These programmes, even when they have common objectives, are supervised and implemented by many Government departments without any effective mach to coordinate their functions

b) Government departments, by and large, are not at all clear in their of what constitutes welfare or development for women Some adopt a ... sive view, some a very limited one A few regard improvement of earni as essential for any development Most are, however, content to adopt what charitable approach to welfare and equate it with assistance to distressed condition

8 19 Since the major responsibility for social welfare and development lies with the of a) Health and Family Planning and b) Education and Social Welfare, we have them in some detail [7] The rest are only briefly enumerated

---

*The [illegible]
target [illegible]
opinio [illegible]
three [illegible]
of this body has deteriorated over the years mainly because it is only an advisory body executive powers

7 Sections II and IV of this Chapter

Evaluation

8.20. It was not possible to use quantitative indices to measure progress in the implementation of these programmes, owing to data. Particularly in the field of development, programmes specifically ment for women are very few and do not give a total view of governmental effort to improve the condition of women. The general programmes, designed for all sections of the population, do not maintain separate records of allocations or expenditure for women, nor has any attempt been made so far to evaluate their impact.[8]

8.21. We were, however, surprised to note that with the exception of the Second Plan, all the others have confined their concern for women's development to only education, health and welfare.[9] Conspicuous by its absence is any reference to the need for generating and improving employment of women. Even the Fifth Plan, which gives highest priority to employment generation, appears to accept the present low representation of women in the labour force as a natural order of things, which will continue unchanged in the years to come.[10] This expectation appears to be in direct contradiction to the Planning Commission's own view, that utilisa. tion of idle manpower would be a tremendous force to speed up the process of development.[11] It is also a denial of the Government of India's stated objective of the total involvement of women at all levels of national development.

8.22. It is interesting to note that all the agencies engaged in programmes exclusively for women, inevitably attach the highest priority to increasing women's earning power. But since these programmes are classified as welfare and therefore non-productive, they invariably enjoy lower priority.

8.23. This ambiguity and confusion springs from traditional middle class attitude regarding women's roles in society. It will continue to affect both planning and administration of women's welfare and development unless the objectives of such policies are clarified and given concrete shape.

II. Health Programmes

8.24. According to the World Health Organisation, health is "a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity."[1] Health is both an important factor in the achievement of status as well as an indicator of social status, particularly for women, whose health is conditioned to a great extent by social attitudes. The health status of women includes their mental and social condition as affected by prevailing norms and attitudes of society in addition to their biological and physiological problems. Societies delineate women's roles partly according to their biological function and partly from prevailing attitudes regarding their physical and mental capacity. These social attitudes also influence the provision and use of preventive and curative health care, including maternal care.[2] The health care facilities offered by a community in the form of medical particularly maternity services for women, is a significant index of the emphasis that community places on the health of its women. Some studies in both the developed and developing countries have shown a definite link between low status of women and deficiencies in the knowledge and utilisation of preventive health services.[3]

8.25. In 1957 study was made of the percentage distribution of ailing males and females both adults and children according to expenditure for treating the illness in six rural communities covering six districts in Maharashtra State with a total population of 37,000. The survey revealed that in the year under study there were 730 ailing females and 513 ailing males in the age-group below 15 years. The percentage of males getting medical treatment was higher than females. The study also showed that more adult women had to be content with free or traditional treatment or no treatment as compared to the medical facilities used for the males.[4]

---

8. With the exception of education.
9. Our interpretation of the Plans in this regard was confirmed by discussions with senior representatives of the Planning Commission.
10. The Labour force projections in the Draft Plan indicate a constant sex-ratio with women constituting only 16% of the Labour force upto 1986.
11. Approach to Fifth Five Year Plan.
1. Preamble to Constitution of World Health Organisation.
2. Among some tribal communities, medical services are welcome except during maternity.
3. Koos, E.S. *The Health of Regionville* : Columbia University Press, New York, 1954. Brightman, J. *et. al.* "Knowledge and utilisation of Health Services by Public Assistance Recipients". *American Journal of Public Health*, 48 (2) February, 1958, pp 188-199.
4. Dandekar, Kumudini-"A Demographic Survey of Six Rural Communities"—1957.

8 26 The cultural norms that particularly affect women's health are the attitudes to marriage age of marriage the value attached to fertility and sex of the child, the pattern of ... the women by social conventions They ... e of her access to medical care education, ... India marriage is almost a universal function ... he age at marriage and fertility rate have ... st number of children are born to women ... insistence on the marriage of women in the ... high fertility rate and each additional child ... and mental health Barrenness is regarded as a curse and the woman is always blamed for this Though the desire for many children may not be the desire for sons is widespread The joint family system also has in many ways contributed to high fertility in India It encourages early marriage and large sized families which appears as a source of collective economic security as well as emotional security[5]

8 27 The lower status of woman is the result of her dependence and lower educational and social position Tradition idealises her role as the mother house wife and the distributor of food It is customary in all India households for the women to serve the family first and then to eat whatever is left According to our survey[6] 48 53% of persons stated that in their families males eat first In families affected by poverty this generally results in still greater mal nutrition for the women The young girls as they grow up are taught subservience and self effacement The process therefore starts at an early age and has very adverse consequences on women s health particularly at the time of pregnancy and child birth From their childhood girls are taught to be uncomplaining and to maintain strict secrecy about their physical troubles With menstruation taboos are enforced and restrictions placed on their movement They are unable to either discuss their health problems if any or even visit the doctor Later as a mother with children depending on her for care and attention the woman has a tendency to carry on until ailment overtakes her Reluctance to visit a ... rises out of these restrictions imposed on women from ... therefore lead to a general neglect of women s health ... they are the greatest sufferers as compared to men

8 28 A study of data from particularly the developing countries indicates that other health problems of women—the higher maternal and infant mortality maternal morbidity lower expectation of life at birth mal nutrition, mental disorders suicide rate and certain sex selective diseases are linked to their status and role in the society Child bearing and rearing is still the dominant role assigned to most women in developing nations In the context of low socio economic status of the bulk of the population this factor becomes adverse to good health in the case of women All the developing nations are faced with rapidly growing population Inadequate housing sanitation and poor medical facilities adversely affect the vulnerable segment of that community Maternity, therefore constitutes a special problem The bulk of the stress and strain falls on the women who suffer from extremely poor health

8 29 The indicators of women s health status in India are drawn from two sources —

(a) Demographic trends and

(b) Access to health services

They should be examined separately

A Demographic Trends

every census report has emphasised

(i) The crucial role of female mortality

(ii) The significant contribution of mortality in the age group 15 44 to aggregate female mortality

(iii) The crucial role of neglect of female health in determining female mortality and

(iv) The insignificant role of undernumeration to explain the adverse sex ratio

5 Davis & Blake—Social Structure and Fertility—An Analytical Framework

6 Vide Appendix I

Neglect of women was proved by customs like female infanticide then prevalent in certain parts of the country. Child marriage, pre-mature consummation resulting in early child-bearing, over-work and malnutrition were cited as other causes of women's poor health. The census of 1931 drew pointed attention to the higher female mortality in the age group 5-10, and "at the reproductive age". Tables II and III, indicate the high increase in female deaths in the age group 15-29 for both rural areas and the whole country. It is significant that in the age group of 1-4, in spite of some fluctuations, the mortality figures are higher than the 1960 figures throughout. Table IV indicates that in total deaths under one year, female deaths increase with age group from one week to 6 to 12 months. This is true for all areas and over the time period.

8.31 The apparently low sex-ratio of deaths (female deaths per thousand male deaths) is actually due to large under-reporting of female deaths as compared to male deaths. The doubtful accuracy of SRS data on age-wise and sex-wise mortality rates has been demonstrated in a recent study. The difference between estimated and reported deaths of females is sometimes said to be as high as 75.69% for rural areas and 59.07% for urban areas in the lowest age group;

46.57% and 35.47% in the age-group 1-19 ; 58.56% and 37.94% in the 20-49 age group ; and 50.2% and 28.54% in the 50 + age-group. *This difference in the case of males is consistently* lower.

TABLE II

Sex Ratio Of Death By Age, All India

Age Groups	1960	1961	1962	1963	1964	1965	1966	1967	1968
1	2	3	4	5	6	7	8	9	10
Less than 1 Year	850	871	864	857	834	856	825	836	840
1-4 years	986	993	996	987	989	997	1016	1012	988
5-14 "	898	952	901	912	874	892	905	901	868
15-29 "	1136	1190	1121	1141	1119	1109	1107	1102	1076
30-49 "	861	970	892	891	855	843	839	828	873
50-59 "	769	773	750	755	739	694	680	669	653
60 + "	884	927	895	895	860	870	848	851	835
Age not stated								850	796
Total :	904	943	910	911	886	1139	881	878	859

Source : Vital Statistics of India

TABLE III

Sex Ratio of Deaths By Age, Rural India

Age groups	1960	1961	1962	1963	1964	1965	1966	1967	1968
1	2	3	4	5	6	7	8	9	10
Less than 1 year	840	869	862	353	825	850	939	859	842
1-4 years	972	979	988	976	982	989	1015	1009	984
5-14 "	899	958	902	916	876	892	910	913	875
15-29 "	1127	1205	1110	1136	1116	1100	1109	1099	1074
30-49 "	887	952	925	927	888	877	876	877	924
50-59 "	806	817	801	807	795	748	731	730	714
60+ "	893	943	906	909	870	887	868	870	852
Age not stated								861	797
Total	908	948	920	922	896	1240	898	897	880

Source : Vital Statistics of India

8.32 All the available evidence leads us to conclude that female mortality in fact is higher for all the three age group, namely, during infancy, childhood and during the productive age particularly in rural areas. The inference from this is that female mortality is due to the consistent neglect of female health.

7. Vaidyanathan, K.E. (ED) *Studies on Mortality in India* 1972
8. Ibid.—p. 20.

TABLE IV

Sex Ratio Of Infant Deaths By Age For Total Rural And Urban Areas 1960 68

Age Group

Year	One week			One week one month			1 month 6 months			6 months 1 year			Total death under year 1		
	Total	Rural	Urban	Total	Rural	Urban	Total	Rural	Urban	Total	Rural	Urban	Total	Rural	Urban
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1960	771	760	1 768	798	830	804	853	929	869	921	1 000	943	842	888	852
1961	774	788	741	809	802	839	899	887	941	940	923	1005	860	855	878
1962	796	810	761	825	825	825	880	872	913	939	925	994	864	862	870
1963	766	782	760	807	802	827	896	391	910	933	917	998	856	853	867
1964	789	803	755	810	806	824	1 050	899	1 802	913	896	982	892	855	1027
1965	774	779	761	813	808	831	893	881	932	928	908	1015	855	849	877
1966	778	782	768	801	796	819	898	897	902	935	919	1001	858	856	865
1967	779	588	1485	808	809	806	899	896	907	946	671	990	856	789	1089
1968	937	778	1426	782	780	789	887	885	894	918	911	946	840	842	833

Note Since the comparable data for Rural and Urban areas is not available figures for certain areas (noted below) have been excluded from the totals

1966 Orissa Chandigarh Jammu & Kashmir Rajasthan Himachal Pradesh Laccadive Minicoy and Amindivi Islands and Dadra and Nagar Haveli

1965 Orissa Jammu & Kashmir Rajasthan A & N Islands Laccadive Minicoy & Amindivi Islands & Dadar & Nagar Haveli

1964 Jammu & Kashmir Rajasthan

1963 Jammu & Kashmir Rajasthan Laccadive, Minicoy and Amindivi Islands

1962 Jammu & Kashmir Rajasthan Pondicherry Goa Daman and Diu Laccadive Minicoy and Amindivi Islands

1960 All the Union Territories except Himachal Pradesh

TABLE V

Age Specific Sex Wise Death Rates Rural India—1965 67

Age Group	*Period*	*Male*	*Female*
1	2	3	4
Under 1	65-66	178 2	192 4
	66 67	162 7	173 1
1 4	65 66	29 4	42 7
	66 67	35 3	46 0
5-14	65 66	3 1	3 5
	66 67	3 3	3 8
15-44	65 66	3 7	5 1
	66 67	3 8	5 7

Source Mehta D C and Ghosh—M H Sample Registration in Vaidyanathan—KE (ED) Studies on Mortality in India Madurai 1972 p 64

The latest SRS data for 1968 and 1969 also reflects the same pattern as reported in the various Censuses namely that female mortality continues to be higher in the age group 0—4 and 15 34

TABLE VI

Age And Sex Specific Death Rate (per 1000 population)

Items	Sex	Period 1968	1969
1	2	3	4
0-14	M	24.3	24.1
	F	27.9	29.6
15-34	M	2.8	3.3
	F	5.3	5.4
35-49	M	8.5	9.0
	F	7.6	7.5
49+	M	40.3	44.9
	F	37.1	41.1

It is also observed that the maternal mortality rate is high enough to raise the overall death rate for females and account for the low sex ratio. It was reported to be 252 per 1,00,000 live births in 1964 for the country as a whole, but for rural areas, it is as high as 573 in 1968.[9] It is unfortunate that no later figures are available for this.

8.33 Recent medical research has tried to identify particular contributory factors to the problem of women's ill-health and higher mortality. Since maternal mortality in India continues to be so high, it is understandable that the bulk of this research has concentrated on this aspect of women's health. The specific factor that have been identified by various studies are firstly pregnancy wastage, caused by abortions and still births. The incidence of this phenomenon has remained constant over the period 1957-68, a period which witnessed intensification of family planning activity. In fact there was even an increase in actual numbers.[10] Such foetal wastage prevails more in low income groups. One study reported that pregnancy wastage of malnourished mothers was 30% as late as in 1972.[11] Still births are reported as constituting 11 per 1,000 live births.[12] Much of this pregnancy loss and perinatal mortality is caused by premature births and malnutrition.[13] Perinatal mortality and still births result from premature births, itself a consequence of maternal malnutrition, particularly iron deficiency during pregnancy. Haeomoglobin estimations carried out on about 5,000 pregnant women in different parts of the country show that 30% of them are anaemic, ie. they have haemoglobin levels below 10%. There is evidence that this is largely due to iron deficiency.[14] Premature births have consistently been a very high proportion among the causes of infant deaths.

8.34 A second group of causes for both infant and maternal mortality relate to higher birth orders.[15] Frequency of pregnancies causes protein malnutrition of the mothers. As it is, the majority of Indian women are victims of malnutrition. 10-20% of maternal deaths are known to be due to nutritional anaemias.[16] This has been borne out by a series of studies of the National Institute of Nutrition. Table VII indicates the gap between the actual and recommended intake of nutrition in the case of pregnant and nursing women.

8 35 It has been estimated that if causes of maternal mortality are eliminated female mortality will decline substantially, since pregnancy complications still constitute 16.44% or the second highest contributor to female morbidity.[17] The Bhore Committee[18] had observed

9. Sex Composition in India-SRS-Analytical Series No. 4, 1972
10. Vital & Health Statistics, South East Asia Region 1966, Table 9, pp 30-31
11. Gopalan. CJ. and Naidu, A.N.,—'Nutrition and Fertility' *The Lancet.* Nov. 18, 1972, p 1078
12. W.H O. World Health Statistics Annual, 1967, 1970
13. For a Volume of data on this see Gopalan, C J.—*Collected papers,* 1943-1973 Hyderabad, 1973 Also his paper 'Nutrition, Fertility and Sex-Ratio' submitted to International Congress on Nutrition at Mexico, 1973.
14. Gopalan, CJ. and Raghavan, K.V.—*Nutritional Atlas of India 1971,* p.4
15. Bajpai *et. al* Observations on perinatal Mortality' *Indian Paediatrics,* 3, March, 1966: Mehdi *et. al.* Incidence and Causes of Perinatal Mortality in Hyderabad—*Indian Journal of Medical Research 49.* 1961, Gullik, F.A.-Parity, Contraception and Infant Mortality, USAID, New Delhi. 1970 (Mimeo)
16 Health Statistics of India, 1964
17. *Sen Gupta et. al.*—'A Pattern of Morbidity & Mortality in India'—Central Bureau of Health Intelligence, New Delhi, 1971. Ramakrishna, G. et. al. 'Impact of Prevention of Selected Causes of Death on Life Expectancy : in Vaidyanathan, op. at. : pp 278-279
18. Health Survey and Development Committee, 1946, Govt. of India.

TABLE VII

Nutrients Intake Gap

Nutrient	*Actual*	*Recommended*	*Actual*	*Recommended*
1	2	3	4	5
Calories	1440	2500	1425	2900
gms	37	55	39	65
Iron (mg)	18	40	18	30
Calcium (gm)	0 2	1 0	0 2	1 0

Source for data on Pregnant women Leela Iyengar 1969 Nutrition, 3 (3) p 2, for data on Nursing Women Annual Report of Nutrition Res Lab 1965 66, for recommended Allowances, see report of the Nutrition Expert Group ICMR (1968)

quent
H O

8 36 All the demographic indicators thus point to a low health status of women In particular they suggest that child bearing in India, for the majority of women, is more a health hazard than a natural function

8 37 B *Access to Health Services* The broad objectives of the health programmes so far have been to control and eradicate communicable diseases to provide curative and preventive health services in rural areas through the establishment of primary health centres in each block, and to augment programmes for the training of medical and para medical personnel In the Fifth Plan the main thrust is to improve the deficiencies in building staff, equipment, drugs and medicines in the primary health centres and to integrate family planning and maternity and child Health services. Health is a basic component of the proposed minimum needs programme Any assessment of the impact of these programmes on the health of women has to take both quantitative and qualitative factors into account Any

Table VIII presents a comparative picture of available basic medical facilities in selected

TABLE VIII

Population Health Personnel Ratios In Selected Countries Of The World

Sl No	*Name of the country*	*Year*	*Bed Population Ratio*	*Doctor Population Ratio*	*Dentist Population Ratio*	*Pharmacist Population Ratio*	*Nurse Population Ratio*
1	2	3	4	5	6	7	8
1	India	1970 71	2,027	4,730	74,864	10,275	7,695
2	Pakistan	1968	2 900	6,180	442,310	290,360	18,130
3	Burma	1966	1,190	9,580	1,009 840	*	11,610
4	U A R	1968	490	2 080	18,500	6,530	3,900
5	Japan	1968	70	910	2,820	1,650	400
6	Indonesia	1967	1,470	27,560	146 380	131 830	8,310
7	Thailand	1968	1,030	8,530	100,580	31,080	3,750
8	U K	1967	100	860	3,870	3,060	330
9	Australia	1966	90	850	3 350	1,390	150
10	U S A	1967	120	650	2 020	1,630	200
11	Canada	1968	100	740	3,050	1,960	170
12	U S S R	1968	100	50	2,850	*	250

*Information not available

Source World Health Statistics, 1968 9 69 Pocket Book of Health Statistics, Ministry of Health & Family Planning

countries of the world It is clear that India's position is more backward than even some of the developing countries

19 W H O—Vital Satistics of South East Asia Region 1966 This is also the case in Ceylon and Thailand

In spite of the achievements during the last four Plans. (Table IX) indicates that medical care remains inaccessible to a large section of the population.

TABLE IX

Achievements During The 1st, 2nd, 3rd And 4th Plan Periods

No.	*Category*	*1st Plan 1951-1956*	*2nd Plan 1956-61*	*3rd Plan 1961-66*	*4th Plan Achievemnnt 1970-71*	*4th Plan Target 1973-74*	*Population per unit of the end of the 4th Plan*	*Desired norms as per Mudaliar's Committee*
1	2	3	4	5	6	7	8	9
1.	Institutions	10,000	12,000	14,600	@	@	—	—
2.	Hospitals & Dispensaries	125,000	185,000	240,000	269,370	281,600	0.49 per 1000 population	1:1000 population
3.	Medical Colleges	42	57	87	96	103	5.75 million	107
4.	Annual Admissions	3,500	5,800	10,520	11,850	13,000	—	—
5.	Dental Colleges	7	10	13	15	15	—	—
6.	Annual Admissions	231	281	536	680	800	—	—
7.	Doctors	65,000	70,000	86,000	115,725	137,930	1:4300	1:3500
8.	Nurses	18,500	27,000	45,000	71,000	88,000	1:6400	1:5000
9.	Auxiliary-Nurse-Midwives	12,780	19,900	22,000	42,000	54,000	1:11700	1:5000
10.	Sanitary Inspectors	4,000	6,000	14,000	25,000	32,600	1:18300	1:10000
11.	Health Assistants Pharmacists	—	42,000	48,000	57,000	66,000	1:9060	1:10000

*Not available, @ Number not fixed
Source : Pocket Book of Health Statistics, Ministry of Health & Family Planning, 1973, p.20

Any increase in personnel or medical facilities is nullified by increase in the population. The quality of the existing health services is reduced by inadequacy of staff, medical supplies and equipment, and by over-crowding. In rural areas not even the minimum medical facilities by trained personnel is available in all districts. Distance and inaccessibility remains a major problem, particularly in hilly and difficult areas.

8.38 The lowest unit of the Health Service structure or its rural arm is the Primary Health Centre which is supposed to provide integrated and comprehensive curative and preventive health services in rural areas. The Bhore Committee[20] which proposed the setting up of primary health centres had recommended that, to start with, each centre should cater to a population of 40,000 with a 30 bedded hospital to serve four Primary Health Centres. It visualised district level hospitals with a strength of 500 beds. Among other staff, primary health centres were to include four public health nurses, two medical officers, four mid-wives and four trained dais. Describing these requirements as the 'irreducible minimum', the Committee had recommended the key importance of developing preventive health services, with 'the country-side as the focal point.'

The Mudaliar Committee[21] reiterated these recommendations, adding further the provision of three specialists in medicine, surgery, obsterics and gynaecology, and 75 maternity and 50 paediatric beds to each district hospital.

20 Op. cit. Para 8.35
21. Report of the Health Survey and Planning Committee (1964) Vol.I, Ministry of Health, Government of India

8 39 In fact, when the primary health centres were established, the 'irreducible minimum' requirements were not provided They had to serve a far larger population of 60 to 70,000 with only one lady health visitor and four auxiliary nurse-mid wives, six beds and three sub- ... one ANM Their functions were wide, includ- ... control of communicable diseases (including ... trol), school health, environmental sanitation ... health centres had been established

8.40 Though the recommendations of the Mudaliar Committee were not implemented due to ... ted with ... family ... pulation of approximately ten thousand and were more than doubled in number, but with family planning as their major activity The emphasis on family planning was strengthened further in 1966 by treating it as a crash programme, providing additional staff, and delinking it from Malaria control activities In most States, the existing four health assistants were transferred to the family planning side

8 41 Though the number of primary health centres increased from 67 in the first five year Plan to 5195 in 1972 and the sub centres from 17,522 in 1967 to 32,218 in 1972, their impact on the health of the rural population has not been substantial An expert Committee[22] observed in 1973 that apart from West Bengal and Kerala, where utilisation was 50%, in other States like Bihar, Rajasthan, U P, Orissa, Madhya Pradesh and Jammu & Kashmir, the bed utilisation in primary health centres was hardly between 5-15% The reasons for this under-utilisation were (a) apathy of the staff, (b) the status barrier that separates the doctor and his team from the village population, particularly the lower socio economic groups, and (c) absence of lady doctors in many centres Emphasising the need to improve maternity and child health services, the committee recommended the provision of domiciliary maternity services as essential [23]

8 42 Critics of the present pattern of health services feel that they have deviated from the basic recommendation of the Bhore Committee, to emphasise preventive services in the rural areas as the keystone of public health Under the present system, the expenditure on curative ... services,[24] but most of it is concentrated in urban ... for the four-fifths of the population living in rural ... ll-financed [25] In the sphere of women's health in ... emphasised greater attention to maternity services, the actual position shows wide regional variations in the provision of this crucial service.

TABLE X

Medical Facilities By Sex-West Bengal In The Years 1951, 1961 and 1971

Year	No of beds				Outdoor patients attending hospitals, dispensaries			No of Maternity & Child Welfare Centres		
	Men	Women	Total	Maternity Beds	Men	Women	Total	Urban	Rural	Total
1	2	3	4	5	6	7	8	9	10	11
1951	NA	NA	17107	2041	3391064	2045481	5436545	NA	NA	37
1961	NA	NA	29067	4339	5741381	4331218	10072599	NA	NA	472
1971	NA	NA	40450	6854	8402742 (Provisional)	6338910	1474162	72	284	351

Source Government of West Bengal, Department of Health and Family Planning

2 ...

2 ...

... United Nations Advisory Mission, 24 11 1969, p 31.
... of Health Services Systems *Economic and Political*

... Ministry of Health & Family Planning, Government.

ırding to the estimate of the Study Group on Hospitals, there were only 45,000 eds in 493 maternity hospitals and wards of general hospitals in 1968. The total ɔeds at that time was 2.75 lakhs, i.e. maternity beds constituted less than 17% of al facilities. It should also be noted that most hospitals in India provide no 'or women. The distribution of general and maternity beds in the States of West Uttar Pradesh (Table X and XI) illustrate the general tendency.

more revealing is the gap in sanctioned and actual strength of women doctors in ɜsh. (Table XII). Table XIII provides comparative Statewise data on maternity ich when seen along with Table XIV, throws some interesting light on the relative ifferent State administrations to protect the health of women.

TABLE XI (a)

Beds According To Sex In U.P.

Total Beds	*Beds for Males*	%	*Beds for females*	%
2	3	4	5	6
72705	17998	64.96	9707	35.04
29414	18773	63.82	10641	36.18
30517	19228	62.99	11294	37.01
30873	19688	63.77	11185	36.23
33601	21284	64.95	11777	36.05
33965	21988	64.74	11977	35.26
34215	22068	64.50	12147	35.50

ɔurce : Statistical Bulletin of U.P., Lucknow, 1969, p.51

TABLE XI (b)

Patient Treatment By Sex In U.P.

Inpatients		*Outpatients*	
M	*F*	*M*	*F*
2	3	4	5
524,589	370,580	14,890,103	8,842,015
477,097	396,785	16,120,016	8,993,631
517,789	392,881	14,984,539	9,499,673
517,919	396,220	15,186,055	9,670,673

ɔurce : Health Atlas of India

TABLE XII

Women Doctors And Women Hospitals—U.P.

Women doctors		*Women hospitals*
Sanctioned strength	*Employed strength*	
2	3	4
402	235	163
418	247	170
428	249	182
444	257	190
512	268	204
567	270	208
588	288	211

ɔurce : Statistical Bulletin of U.P., Lucknow, 1969, p.61.

TABLE XIII

Some Health Statistics for the States

	Per Capita Government Expenditure on Medical & Public Health Measures in 1963 64 Rs	Number of Beds in hospitals & dispensaries per 1000 population in 1964	Percentage of Total Births in Rural Households Attended by Trained Dai Mid Wife Physician or Qualified Nurse in 1964 65
	2	3	4
Andhra Pradesh	2 88	0 53	12 24
Assam	3 28	0 45	12 88
Bihar	1 72	0 24	2 78
Gujarat	2 24	0 53	9 69
Haryana	—	—	15 32
Jammu & Kashmir	4 13	1 01	6 10
Karnataka	2 58	0 75	15 89
Kerala	3 70	0 94	25 72
Madhya Pradesh	2 27	0 41	5 14
Maharashtra	2 95	0 81	7 52
Orissa	3 21	0 43	6 79
Punjab	2 57	0 67	14 27
Rajasthan	3 80	0 52	4 07
Tamil Nadu	3 03	0 48	21 92
Uttar Pradesh	1 49	0 38	2 51
West Bengal	3 32	0 85	2 68
India	2 58	0 57	8 81

Notes Columns (2) and (3) are taken from 'Health Statistics in India', Ministry of Health, Government of India, Column (4) is calculated from estimates given in NSS Report No. 177 for the 19th Round (1964 65) For Columns (2) Punjab includes Haryana

Source Bardhan, P K —'On Life and Death Question,—*Economic & Political Weekly*, Special Number, August, 1974, p 1297

8 44 It may be noted that Kerala, which stands out for provision of maternity services also, has the highest expectancy of life for women, which is 60 7 for 1971-75, and the lowest infant mortality rate[26] Uttar Pradesh, with the lowest provision for such services has a female life expectancy of 53 7, which is nearly the lowest in India, and the highest infant mortality rate

8 45 There is no doubt that improvement of maternity services has a definite impact on life-expectancy of women States like Tamil Nadu, Andhra Pradesh, Punjab, Assam, Karnataka and West Bengal which have given some attention to these services, have helped to improve their women's expectation of life The impact, however, cannot be uniform, because of the operation of other factors, like education, employment, general cultural norms etc, which exert considerable influence on women's utilisation of these services

8 46 An important cultural norm which has a direct impact on women's health is the age of marriage No district in Kerala has below 15 as the average age at marriage and only 3 districts (33%) have an average below 20[27] In the case of Bihar, Rajasthan and U P, the picture is just the opposite, where 71%, 65% and 48% of the districts respectively have an

26 Vide Table 11—Chapter II
27 Vide Table 17—Chapter II

TABLE XIV

Projected Values Of Expectation Of Life At Birth All India And States, 1951-65

States	1951-60	1961-65	1966-70	1971-75	1976-80	1981-85
1	2	3	4	5	6	7
All India	M 41.9	48.7	53.2	57.3	61.1	63.1
	F 40.6	47.4	51.9	56.0	59.0	61.8
Kerala	M 49.5	55.5	59.5	63.1	66.4	66.9
	F 47.1	53.1	57.1	60.7	64.0	64 5
Punjab	M 49.9	55.9	59.9	63.5	66.8	67.3
	F 44.0	51.0	55.0	58.6	61.9	62.4
Rajasthan	M 49.2	55.2	59.2	62.8	66.1	66.6
	F 44.3	50.3	54.3	57.9	61.2	61.7
Maharashtra	M 40.1	52.1	56.1	59.7	63.0	63.5
	F 44.3	50.3	54.3	57.9	61.2	61.7
West Bengal	M 44.1	50.1	54.1	57.7	61.0	61.5
	F 44.5	50.5	54.5	58.1	61.4	61.9
Orissa	M 40.7	47.5	52 0	56.1	59.9	60.9
	F 41.1	47.9	52.4	56.5	60.3	61.3
Madhya	M 41.2	48.0	52.5	56.6	60.4	61.4
Pradesh	F 40.0	46.8	51.3	55.4	59.2	60.2
Karnataka	M 41.2	48.0	52.5	56.6	60.4	61.4
	F 39.2	46.0	50.5	54.6	58.4	59.4
Gujarat	M 40.8	47.6	52.1	56.2	60.0	61.0
	F 39.2	46.0	50.5	54.6	58.4	59 4
Uttar	M 39.4	46.2	50.7	54.8	58.6	59 6
Pradesh	F 38.3	45.1	49.6	53.7	57.5	58.5
Bihar	M 37.4	44.9	49·9	54.5	58.8	60.8
	F 37.8	45.3	50.3	54.9	59.2	61.2
Andhra	M 37.8	45.3	50.3	54.9	59.2	61.2
Pradesh	F 36.0	43.5	48.5	53.1	57.4	59.4
Assam	M 36.6	44.1	48 1	53.7	58.0	60.0
	F 37.0	44.5	49.5	54.1	58.4	60.4

Source : Family Planning Programme, Gujarat, Fact Book, p.9 Published by State Family Planning Bureau, Demographic and Evaluation Cell, Gujarat, 1972.

average below 15, 35% and 31% of the districts in Andhra Pradesh and West Bengal also come into this category.[28]

8.47 Kerala also has the highest female literacy rate which is 53% in rural areas, and 60.6% in urban areas. Tamil Nadu, though well behind Kerala, is still the second highest State in female literacy, which is 19% in rural areas and 45.4% in urban areas. Uttar Pradesh, Bihar, Rajasthan stand out for their low female literacy rate.[29]

8.48 We may infer from this that the availability and utilisation of medical care for women reflects the general social attitude to women in a region. There is also no doubt that the female literacy rate is an important determinant for utilisation as well as supply of medical and health care for this section of the population. This is particularly true of maternity and child care.

8.49 Apart from regional variations, the accessibility of health services is also affected by rural-urban and social-economic differentials, including a broad pattern of sex differentals. For example, uncontaminated water is available to 40% of towns, but only 9% of villages. Since about two thirds of the total number of doctors and nurses, and most hospitals are concentrated in urban areas, the four-fifths of the population living in rural areas get a much smaller share of these services. The National Sample Survey (19th Round, 1964-65) found that 46% of all births in urban India are attended by trained medical personnel, as compared to 9% in rural areas. The household consumption data of the same Round also shows that

28. Vide Table 16—Chapter II
29. Vide Table 28—Chapter II

per capital private monthly expenditure on medicines and medical services is Rs 1 01 n areas, and about half that in rural areas Majority of doctors in urban areas are practitioners, charging high fees Their services can be used only by the upper ddle income groups Private nursing homes and paying hospitals, like private doctors, ost totally out of reach of the poorer sections of society

A recent study on rural health services brings out the peculiar tension created by supply of medical personnel in the villages On the one hand is the 'unmet felt need e services of the Auxilliary Nurse Midwife at the time of child birth Villagers are to have the ANM's services because they consider her to be more skilful than the tradi-al dai Wherever the ANMs have provided the services, the dais' role has become less ificant[30] During our tours we were repeatedly informed of the inadequacy in the number services rendered by ANMs Apart from their small number, the area covered by these sonnel is too large, with consequent transport and accomodation difficulties Night-halts d the problem of security create difficulties for most of these workers in rural areas, and ect their functioning[31]

51 Such problems very often obstruct an ANM from really attending to her duties in all laces under her charge Secondly, for an outsider to live and work in rural areas, a degree of social acceptance and security is essential Protection extended by influential members of the village community ensures this, and prevents her being handicapped by their hostility The result very often is that her services are monopolised by the dominant, or relati-vely well-to-do section of village society It should also be remembered that the social and educational background of the ANMs is likely to be closer to the dominant, or well to-do groups in the village, rather than the poorest

8 52 This sort of cornering widens the gap between the ANM and the masses of women who need her services 'The overall image of the ANM in villages, particularly in North India, is that of a person who is distant from them, meant only for special people or for those who can pay for her services She is not for the poor She can be called only when there are complications and then also she has to be paid'[32]

8 53 As for sex differentials, they are deep rooted in social attitudes regarding the needs of women for care and assistance during ailments In many areas we were told that rural society does not always care to report women's ailments, or seek medical aid Women them-selves often prefer to be silent in such matters The studies in nutritional deficiencies of women indicate that their requirements are often sacrificed to provide a little more nutri-tion to others in the family. The incidence of diseases caused by malnutrition is higher not only among adult women, but even among female infants At the same time hospital records reveal that more male children are treated for such diseases[33]

8 54 The two sets of indicators demographic trends, and access to medical care, both reveal the same situation regarding the health status of women.

This increase in comparative neglect of female lives as an expendable asset, observed to persist and increase over several decades, is a matter of serious concern[34]

III FAMILY PLANNING

8 55 If the masses of Indian women are to be freed from their status as 'expendable assets' some of the obvious and immediate answers lies in releasing them from the bondage of repea-ted and frequent childbirth, providing them with some choice in the size of their families and in ensuring adequate medical facilities to protect them during and against maternity.

8 56 Propagators of the family planning movement in India have been keen to emphasise the improvement in the status of women as one of the direct consequences of acceptance of

30 Banerjee, D Op-cit The study covered 16 villages from seven States Both the primary Health centres and the villages selected were much above the average For a full report on the study, see the paper by the same author Health behaviour of Rural Populations Impact of Rural services *Economic & Political Weekly* Vol VIII, 1973 pp 2261-2268

31 See Chapter VI for similar of problem of teachers and inspectresses of schools.

32 Banerjee, D —Op. cit

33 Gopalan, C —Op cit

34 Mitra, Ashok *Population in India's Development 1947-2000*, 1974 p 13

family planning. The birth control movement in India, from its inception, was associated with the feminist movement, and women's organisations were among the first to start a voluntary campaign for spread of birth control techniques among women. Even now they are active partners of the Government's programme to persuade more and more women to accept family planning methods.

8.57 Recent researches in this field however make it extremely difficult to establish such an a priori relationship. All recent studies seem to agree more on the obverse of the relationship, viz. that improved status of women, with rise in the age of marriage, education, employment, better living conditions and greater general awareness, have a direct impact on the adoption of family planning methods.

8.58 There is no doubt that knowledge of family planning methods enables a woman to regulate her biological function and thus gives her a greater control over her life and future. This certainly help to build up her confidence in herself and can enable her to pursue various other ways to develop her personality, e.g. training, career interests and fulfil responsibilities to herself, her family and the wider society. Above all, such control has a direct impact on her health. Ability to prevent frequent and excessive drain on her—physical resources undoubtedly helps to preserve her health, and since health is a basic necessity for any kind of development for a person, ability to plan her family ultimately contributes to such improvement of a woman's personality. A third consequence which is sometimes emphasised is the possible change in husband-wife-relationship, leading to improved position of the woman in decision-making within the family.

8.59 All these results could certainly lead to a general improvement of a women's status. But each of them are integrally connected with other socio-economic factors and developments, and the relationship between family planning and status improvement depends, in the ultimate analysis, on the presence and behaviour of such variables as social attitudes and opportunities for women's education, employment, pursuit of independent interests and career, size and sex of the family, accessibility of health services, and general economic development.

8.60 If the sexual role were the main determinant of male dominance and authority in a society, there would have been no communities in the world where the women are dominant, or equal members. The status of women in any society depends on a complex set of social, economic, demographic and political variables, among which the woman's ability to control the size of her family could be a contributory factor. But in our view, emphasising it as a direct cause of improvement of women's status is somewhat exaggerated, and ignores the evolution of women's status in different societies. The matriarch of many ancient civilisations and primitive communities certainly enjoyed a much higher status than the women with complete control on the size of their families in the developed, modern societies of the West today. Knowledge of family planning techniques may have liberated Western women from excessive pregnancies, but it has not basically changed their status in these societies either economically or politically. Even in the sphare of social atiitudes, with all the progress in education, and different types of social freedom and changing roles, their image as sex-symbols has been intensified, not eliminated.

8.61 In India, there has been an enormous volume of research on degrees of acceptance of family planning, to assist the continuous evaluation of the Family Planning Programme.

> "The focus of evaluation of the Family Planning Programme at present is on the purposive assessment of impact of the programme, identification of areas of success and failures and reasons thereof, and feeding back this information for motivation and improvement or programme implementation. Family Planning Programme can be evaluated in terms of its objectives, viz. (a) the immediate objectives, including efforts and performance, objectives set for developing resources and activities for achieving the decision made; (b) the intermediate objective of spreading knowledge, developing favourable attitudes towards encouraging practice of family planning methods; (c) the ultimate objective, which is reduction of fertility so as to bring down the birth rate to 25 per thousand by 1978-79."[1]

8.62 Apart from continous assessment of information received from the States regarding the success of the programme in quantitative terms, i.e. actual number of couples protected

1. Ministry of Health and Family Planning-System of Evaluation of Family Planning Programmes, New Delhi, 1968.

by various methods, provision of services in the way of personnel and equipment etc, the [illegible] Studies) The [illegible] mographic and [illegible] of individuals and institutions in the university system have been engaged in periodical assessment of the impact of this programme at both local and national levels since its inception As a result, family planning is now the most heavily documented and evaluated among all major programmes of the Government of India [2]

8 63 One common trend in the results of these studies has been to expose the differentials in knowledge, acceptance and practice of family planning methods between different sections of the population The results from the national survey conducted by the Operations Research Group,[3] Ministry of Health and Family Planning during 1970-71 indicate that the percentage of couples using any family planning method increaess with-

(i) Age of wife (from 7% among those below 25 years of age to 17% among those aged 30 years or more),

(ii) number of living children (from 2% among those without any living child to 25% among those with 5 or more living children),

(iii) education of wife (from 10% among wives without any education to 56% among those who have gone to college),

(iv) family income (from 10% among those with monthly income of Rs 100/-or less to 30% among those with monthly income of Rs 1,000/-or more),

(v) size of city or village (from 10% among those living in villages of 5,000 or less to 32% among those living in cities of 1 million or more),

(vi) that the percentage of current users among the Hindus is higher than among the Muslims

The survery revealed notable differences in the characteristics of current users, past users and non-users of contraception as indicated in Table XVI

TABLE XVI

Characteristics of Current, Past and Never Users 1970-71

Characteristics	*Current users*	*Past users*	*Never users*
Average age of wife (years)	32 0	31 0	29 7
Live birth per wife	4 4	3 9	3 3
Living children	3 8	3 0	2 5
Living sons	2 1	1 7	1 4
Percent desiring more children	21	48	64
Percent with literate wife	42	42	13
Percent earning over Rs 200 per month	41	43	21
Percent non-manual workers	45	44	25
Percent urban couples	36	34	14

Source KAP Survey, Operations Research Group Baroda, 1970-71

8 64 In our discussions with Muslim women in different parts of the country, we did not get the impression that there was any organised resistance to family planning on religious grounds Some of the very poor women told us that they had heard about the religious propaganda but they could not see their children starve In every state we asked the lady doctors about the

2 The importance attached by the Government to this kind of research is indicated by the fact that in spite of the heavy volume of research data available on family planning, this Committee was also asked to undertake case studies on family planning The Committee, however, felt that this was nt necessary

3, The survey covered the entire country excepting Jammu and Kashmir, Arunachal Pradesh and the off shore islands In all, about 25,000 sampled currently married individuals, selected from 25 urban and 704 rural habitations spread all over the country were interviewed

response to family planning from different sections of society. The answers were interesting. Those doctors who had some kind of social commitment and sympathetic attitude invariably said that women from all classes and all religions came to them for advice while the others complained that Muslim women and women from the poorer sections of society were not interested. Our general impression has been that men, particularly Muslims, are not very much concerned about family planning, though in Kerala an enthusiastic Collector informed us that in the Family Planning camps a number of Christian and Muslim men came to him for vasectomy but they did not want anyone to know about it and requested that the operations may be performed at night. He agreed to make the necessary arrangements and the response was good. According to him there was no significant difference in the percentage of acceptors from different communities. In a village in West Bengal while a B.D.O. was complaining that Muslims were not coming forward for family planning an old, poor Muslim woman came up and asked where she could take her daughter-in-law for advice so that she would stop having any more children. She already had 8 children. In Kashmir, the educated and working women are very much interested in family planning and we did not come across any group of women expressing disapproval on religious grounds.

8.65 An analysis of variance in five factors, viz., educational level of spouses, family income, number of children, urbanisation and exposure to mass media simultaneously has shown that the effect of each of these factors on the use of family planning methods is significant at 1% level.[4] Some studies have suggested that the differential in adoption and use of family planning methods between States may be due to the differences in socio-economic characteristics of couples[5] or actual implementation of strategies or combination of both.[6]

8.66 While some of the studies occasionally contradict findings of previous research, one factor which is generally emphasised by most is education, particularly the education of women.[7] The Regional Fertility Survey conducted by the Demographic Research Centre, Lucknow (1966-67), indicated that mean number of live births varied inversely with the mother's education. The educational level of both husband and wife was found to have a very large influence on their attitudes towards family planning. The Delhi Fertility Survey conducted by the Demographic Research Centre, Institute of Economic Growth, Delhi in 1969-70, based on a total sample of 9,000 households, indicated the inverse relationship between a couple's educational level and average number of live births in a pronounced way only when both husband and wife were educated beyond matriculation level, the variation being 2.73 for this group and 4.47 for illiterate couples. The Mysore Population Study reported that among the social and economic factors studied, the one which appeared to be the most significant in relation to fertility in Bangalore City was educational status, but education below the high school or university stage was not found to be related significantly to the average number of children born.

8.67 Education may affect fertility in two ways :—

(i) by increasing knowledge and advantages of family planning; and

(ii) by generating deliberate efforts for a planned family.

The first is effective at lower educational levels, while the latter operates probably when a sufficiently high level of education is achieved by the couple. The National Sample Survey indicated that the percentage of husbands desiring additional children after 2, declined from 60 when they were illiterate to 42.58 when they were intermediate and above. However, the decline was neither consistent nor pronounced when the educational level was below intermediate and above.

---

4. Operations Research Group, *Family Planning Practices in India*, Baroda, 1971.
5. Jain, Anrudh K. and Sarma, D.V.N., "Some Explanatory Factors for Statewise Differential use of Family Planning Methods in India" (Unpublished) cited in "An Appraisal of Family Planning in India" by the same author—*Population in India's Development 1947-2000* page 401.
6. (i) Aggarwala, S.N., "A Study of Factors Explaining Variability in Family Planning Performance in Different States in India". (ii) Vig, O.P., "An Application of Path Analysis To Study Variation in Acceptance of the Family Planning Programme in India, 1966-71". Proceedings of All India Seminar on Family Planning Problems in India, International Institute for Population Studies, Bombay, 1972. (iii) Misra, B.D., "Family Planning—Differential Performance of States, *Economic and Political Weekly*, 15th September, 1973.
7. Vide Chapter II, Section on Fertility, Family Planning and Education of Women.

TABLE XVII(a)

Percentage o husbands (with wife under 45 years of age) desiring additional children after two surviving children by educational standard

Educational standards of husbands	*Percent husbands desiring additional children after two in each category*
Illiterate	60 00
Literate but below primary	52 44
Primary	60 91
Middle	53 65
Matriculate	54 21
Intermediate and above	41 59
Total (All-India Urban)	55 89

rce National Sample Survey

TABLE XVII (b)

Attitudes towards Family Planning and Educational level of wife

itude towards mily planning	*Percent of couples Educational level of wife*			
	Illiterate	*Gone to primary school*	*Gone to secondary school*	*Gone to college*
Percent desiring three or less children	34 8	54 3	66 7	76 0
One must have a son	89 2	87 1	85 4	72 4
Disapprove adoption of birth control methods	46 5	23 0	1 43	6 4

Source Operation Research Group, Baroda, Family Planning Practice in India The First All India Report p 5

The Dharwar Surveys on the attitudes towards family planning undertaken by the Dharwar Demographic Research Centre in 1962 and 1969 indicated that educational level was the most important factor associated with awareness about family planning

8 68 While all the major surveys found a positive relationship between education and knowledge, acceptance and practice of family planning, most of them have revealed the existence of other associational factors which may have influenced this relationship Education is generally associated with one or more of the following (a) rise is the age of marriage, (b) diversification of consumption pattern of people, involving both material and non-material aspects which can lead to a decline in the psychic utility generated by the birth of children, (c) urbanisation, (d) possible increase in work force participation of women, (e) higher ocio economic status of the couple, (f) higher mobility, (g) higher exposure to mass media nd (h) more diversified knowledge of family planning methods It has been found that couples with primary level education or below have very limited knowledge of family planning and are most often aware only of sterilisation and I U C D[8]

8 69 Most of the methods for contraception affect women directly, and acceptance by them would indicate the success or failure of a method

8 Intra uterine contraceptive device

response to family planning from different sections of society. The answers were interesting. Those doctors who had some kind of social commitment and sympathetic attitude invariably said that women from all classes and all religions came to them for advice while the others complained that Muslim women and women from the poorer sections of society were not interested. Our general impression has been that men, particularly Muslims, are not very much concerned about family planning, though in Kerala an enthusiastic Collector informed us that in the Family Planning camps a number of Catholic and Muslim men came to him for vasectomy but they did not want anyone to know about it and requested that the operations may be performed at night. He agreed to make the necessary arrangements and the response was good. According to him there was no significant difference in the percentage of acceptors from different communities. In a village in West Bengal while a B.D.C. was complaining that Muslims were not coming forward for family planning, an old, poor Muslim woman came up and asked where she could take her daughter-in-law for advice, so that she would stop having any more children. She already had 5 children. In Kashmir, the educated and working women are very much interested in family planning and we did not come across any group of women expressing disapproval on religious grounds.

8.65 An analysis of variance in five factors, viz., educational level of spouses, family income, number of children, urbanisation and exposure to mass media simultaneously has shown that the effect of each of these factors on the use of family planning methods is significant at 1% level.[4] Some studies have suggested that the differential in adoption and use of family planning methods between States may be due to the differences in socio-economic characteristic of couples[5] in actual implementation of strategies or combination of both.[6]

8.66 While some of the studies occasionally contradict findings of previous research, one factor which is generally emphasised by most is education, particularly the education of women.[7] The Regional Fertility Survey conducted by the Demographic Research Centre, Lucknow 1966-67, indicated that mean number of live births varied inversely with the mother's education. The educational level of both husband and wife was found to have a very large influence on their attitudes towards family planning. The Delhi Fertility Survey conducted by the Demographic Research Centre, Institute of Economic Growth, Delhi in 1969-70, based on a total sample of 9,000 households, indicated the inverse relationship between a couple's educational level and average number of live births in a pronounced way only when both husband and wife were educated beyond matriculation level, the variation being 2.73 for this group and 4.47 for illiterate couples. The Mysore Population Study reported that among the social and economic factors studied, the one which appeared to be the most significant in relation to fertility in Bangalore City was edncational status, but education below the high school or university stage was not found to be related significantly to the average number of children born.

8.67 Education may affect fertility in two ways :—

(i) by increasing knowledge and advantages of family planning; and

(ii) by generating deliberate efforts for a planned family.

The first is effective at lower educational levels, while the latter operates probably when a sufficiently high level of education is achieved by the couple. The National Sample Survey indicated that the percentage of husbands desiring additional children after 2, declined from 60 when they were illiterate to 41.59 when they were intermediate and above. However, the decline was neither consistent nor pronounced when the educational level was below intermediate and above.

---

4. Operation Research Group, *Family Planning Practices in India* Baroda, 1973.
5. Jain, Anirudh K. and Sarma, D.V.N., 'Some Explanatory Factors for Statewise Differential use of Family Planning Methods in India' (Unpublished) cited in 'An Appraisal of Family Planning in India' *by the same author—population in India's Development 1947-2000* page. 401.
6. (i) Aggarwala, S.N., 'A Study of Factors Explaning Variability in Family Planning Performance in Different States in India'. (ii) Vig, O.P., 'An Application of Path Analysis To Study Variation in Acceptance of the Family Planning Problems in India 1966-71. Proceedings of All India Seminar on Family Planning Problems in India, International Institute for Population Studies, Bombay, 1972. (iii) Misra, B.D., 'Family Planning—Differential Performance of States, *Economic and Political Weekly* 29th September, 1973.
7. Vide Chapter II, Section on Fertility, Family Planning and Education of Women.

TABLE XVII(a)

Percentage o husbands (with wife under 45 years of age) desiring additional children after two surviving children by educational standard

Educational standards of husbands	*Percent husbands desiring additional children after two in each category*
Illiterate	60 00
Literate but below primary	52 44
Primary	60 91
Middle	53 65
Matriculate	54 21
Intermediate and above	41 59
Total (All India Urban)	55 89

Source National Sample Survey

TABLE XVII (b)

Attitudes towards Family Planning and Educational level of wife

Attitude towards family planning	*Percent of couples Educational level of wife*			
	Illiterate	*Gone to primary school*	*Gone to secondary school*	*Gone to college*
Percent desiring three or less children	34 8	54 3	66 7	76 0
One must have a son	89 2	87 1	85 4	72 4
Disapprove adoption of birth control methods	46 5	23 0	1 43	6 4

Source Operation Research Group, Baroda, Family Planning Practice in India The First All India Report p 5

The Dharwar Surveys on the attitudes towards family planning undertaken by the Dharwar Demographic Research Centre in 1962 and 1969 indicated that educational level was the most important factor associated with awareness about family planning

8 68 While all the major surveys found a positive relationship between education and knowledge, acceptance and practice of family planning, most of them have revealed the existence of other associational factors which may have influenced this relationship Education is generally associated with one or more of the following (a) rise is the age of marriage, (b) diversification of consumption pattern of people, involving both material and non material aspects which can lead to a decline in the psychic utility generated by the birth of children, (c) urbanisation, (d) possible increase in work force participation of women, (e) higher socio economic status of the couple, (f) higher mobility, (g) higher exposure to mass media and (h) more diversified knowledge of family planning methods It has been found that couples with primary level education or below have very limited knowledge of family planning and are most often aware only of sterilisation and I U C D[8]

8 69 Most of the methods for contraception affect women directly, and acceptance by them would indicate the success or failure of a method

8 Intra uterine contraceptive device

(a) The I.U.C.D. :— This was introduced in 1965 and initially was very popular. Later the level of acceptance showed a reverse trend. Various studies indicate that the failure of the I.U.C.D. was largely because enough information on certain side effects of the insertions was not adequately published.

TABLE XVIII

Rural Urban break up of I.U.C.D. Insertions in India

Year	*Rural*	*Urban*	*Total*	*Percentage of rural of total*
1966-67	542,228	367,498	909,726	59.6
1967-68	394,027	274,952	668,979	58.9
1968-69	286,181	192,550	478,731	59.8
1969-70	267,982	190,744	458,726	58.2
1970-71	279,622	196,226	475,848	58.2
1971-72	311,099	177,269	488,368	63.7

Source: Year Book—Family Planning Welfare in India, 1972-73 Government of India Ministry of Health and Family Planning, Department of Family Planning, New Delhi page 46.

8.70 During our tours, the doctors and field workers told us that this method was not popular and it was a failure. Their observations were as follows:

(1) The careless handling of I.U.C.D. insertions by the paramedical staff led to complications and there was a whispering campaign everywhere that it was harmful for the health of the women.

(2) Proper arrangements were not made for a follow-up treatment in case of bleeding or other side effects.

We found, however, that wherever it was handled by properly trained personnel, e.g., in Haryana and Punjab, it was found to be the most successful method, specially because it was reversible and inexpensive.

8.71 (b) Sterilisation has been performed as part of the family planning programme since 1956. Tubectomies accounted for two-third of all sterilisations in 1956, and upto 1960, they exceeded the number of vasectomies, but since then the number of vasectomies has increased more repidly, and in 1965, they accounted for more than 80% of all sterilisations. We would like to point out, however, that the validity of these figures has been often questioned.

8.72 Since sterilisation is a terminal method which is often believed to have consequences on the health of the woman, the possible constraints that may develop in taking recourses to this method are obvious. During our tours we received evidence of this apprehension from a large number of women. They were reluctant to end their chance of child bearing because of an underlying fear regarding the survival of their existing children. They were also apprehensive of the possible consequence to their health. This fear has occasionally been aggravated by the experience of the mass tubectomy camps which very often did not provide adequate medical care or follow-up measures.

8.73 Two specific arguments sterilisation were brought to our notice by women doctors. A group of these doctors in West Bengal mentioned a number of cases of 'post-ligation syndrome' where the women developed psychological disturbances after tubectomy, particularly if anything of an untoward nature like illness or death of a child happened in the family. In their view, this was due to the tremendous hold of traditional values on the minds of these women, who developed a sense of guilt and regarded these tragedies as being the consequences of their 'unnatural' act. Yet another argument by doctors in the rural areas of Rajasthan was the impossibility of undertaking sterilisation for a large number of women, particularly tribal ones, because of their extremely anaemic condition.

8.74 (c) Other Methods :—About 2.3 million couples are estimated to be using various other types of conventional contraceptives during 1972-73. This is 2.3% of the estimated couples protected in the reproductive age group. For women the most significant is the use of oral contraceptive pills. A number of trials have been conducted to study the medical and

TABLE XIX

Sex-wise Break Up of Sterilisation Operations done in India Since 1956

	No of Sterilisations			*% of Tubectomies to total*
	Vasectomy	*Tubectomy*	*Total*	
	2	3	4	5
1956	2,395	4,758	7,153	66 5
1957	4,152	9,584	13,736	69 8
1958	9,189	15,959	25,148	63 5
1959	17,633	24,669	42,302	58 3
1960	37,596	26,742	64,338	41 6
1961	63,880	40,705	104,585	38 9
1962	112,357	45,590	157,947	28 9
1963	114,621	55,625	170,246	32 7
1964	201,171	68,394	269,565	25 4
1965	401,741	75,141	476,889	15 8
January to March 1966	174,861	19 073	193,934	9 8
1966-67	785,378	101,990	887,368	11 5
1967-68	1,648,152	191,659	1,839,811	10 4
1968 69	1,383,053	281,764	1,664,817	16 9
1969-70	1,055 860	366,258	1,422,118	25 8
1970-71	878,800	451,114	1,329,914	33 9
1971-72	1,620,076	567,260	2,187,336	25 9
1972-73*	2,611,631	504,731	3,116,362	16 2

*Provisional Figures

Source Year Book, Family Welfare Planning in India 1972 73—page 42.

social acceptability of oral contraception among Indian women The pill as a method of oral contraception is useful for the educated urban rather than rural women It is also comparatively more expensive and constant medical supervision is necessary to check the side effects

8 75 (c) Abortions The objectives of the Medical Termination of Pregnancy Act 1971 is to reduce the incidence of criminal abortions which pose grave risks to pregnant women by libe ralising the provision of the Indian Penal Code which restricted medical practitioners from ter minating pregnancies legally The Shanti Lal Shah Committee has estimated that for every 73 live births, 25 abortions take place of which 15 are induced "In a population of 500 million, the number of abortions per year would be 6 5 million, 2 6 million spontaneous and 3 9 million induced " From hospitals records it has been observed that 15% to 20% of the direct obstetric causes of maternal deaths are from abortions On these, 98% were from septic abortions usually resulting from abortions undertaken by unqualified persons According to the Registrar General Census (vital statistics for 1966 67), abortions form a high percentage of causes of all deaths due to child birth According to two studies of the National Institute of Nutrition, Hyderabad, pregnancy wastage from miscarriage and abortions ranges from 16 to 19% to 32% among poor income groups

8 76 The Act allows termination of pregnancy on—

(a) Therapeutic grounds, where the continuance of pregnancy would involve a risk

(i) to the life of the pregnant mother or,

(ii) of grave injury to her physical and mental health

(b) Eugenic grounds, where there is substantial risk that the child, if born, is likely suffer from such physical or mental abnormalities as to be seriously handicapped

(c) *Humanitarian grounds,* where the pregnancy has been caused by rape or

(d) Social grounds :—

(i) where the pregnancy in a married woman is the result of contraceptive failure, or

(ii) that the environment of the pregnant women during the continuance of pregnancy and at the time the child would be born and thereafter so far as is foreseeable would involve risk of injury to her health.

Termination can be done only by registered practitioners certified for the purpose in approved places, mainly Government Hospitals.

8.76 While the Act emphasises its importance as a health measure, the permission granted under section 3(2) to permit such termination for married women in cases of contraceptive failure, has emphasised its importance as an instrument of population control. This has given rise to a strong difference of opinion among medical personnel who are averse to using abortion for such a purpose. Many of them insist on tubectomy as a condition for abortion. In their view, based on experience, abortions often lead to frequent pregnancies, apart from its health hazards.[9]

8.77 There is considerable evidence that the measure is being used more for birth control than for other reasons. According to a study undertaken in the Government and Children Hospital, Egmore, Madras, out of 7,957 abortions only 11 were for therapeutic reasons. 617 were cases of induced abortions admitted to the hospital only after complications had set in.[10]

8.78 A study undertaken by the International Research Fertility Programme revealed that 88% of abortion cases were among married women, of whom 55% were between the age of 25 to 33, 81% were urban, 19.1% rural; 37% had three or four children. In another study it was found that 72% were married, of whom 60% were in the 20 to 29 age group. The average total pregnancy of these groups was 4.3, where the average number of living children 2.5 and 0.8 had previous abortions. 50% of all the patients had a previous abortion in their record 17.8% had 2 to 5.[11]

8.79 All the studies indicate "that most pregnant women who go in for induced abortions are fully motivated for small family norms if not planned parenthood. These people are very amenable and can be fully motivated for adoption of family planning methods, more often sterilization, if they have two or more living children or other temporary methods of spacing children."[12]

8.80 We have given serious consideration to this matter and discussed it with several representatives of the medical profession. While we appreciate the ethical considerations which make some of them reluctant to perform this operation, we feel that it is a woman's right to have control over the size of her family. At the same time it is important that doctors should have the authority to discourage such operations when it poses a definite risk to the health of a particular patient.

8.81 We, however, feel that the condition being imposed in many hospitals, that abortion will only be performed if the patient agreed to sterilization, should not be compulsive, particularly where a woman has only one child. It would be far better to adopt methods of persuasion through expert counselling rather than compulsion. Compulsive conditions of this kind will only drive women to unqualified persons, thus defeating the main purpose of this Act.

8.82 We have been informed that there are serious psychological hazards posed by both pregnancies as well as sterilization. It is, therefore, imperative to organise systematic research on this field, to ascertain the impact of these situations and operations on the physical and mental health of women.

---

9. Menon, M K.K.—'Termination of Pregnancy'—Papers submitted to Seminar on Abortion held in the India International Centre in January, 1974.
10 Rajasekheran, N-Maternal and Child Health aspect of Medical Termination of Pregnancy Act.
11. Menon op. cit.
12- Balakrishnan, P.R. 'Implementation of Medical Termination of Pregnancy.'

The difficulties placed before us by medical personal regarding the recording procedure aper work involved in these operations, lead us to suggest that these procedures need simplified It is also necessary to extend facilities for authorised termination of preg-ies, particularly in the rural areas We have also been informed that though the law s not require it, many hospitals insist on the husband's consent before performing these rations A special effort needs to be made to convince the medical profession of the social lue of this law, from the point of view of both individuals and society

84 We have also been informed that most doctors are reluctant to perform these opera-ons in the case of unmarried girls It is necessary to clarify the point that rape is not the only ground to justify termination in cases of uumarried girls nor is there any legal obligation on the doctor to inform the police of an abortion done in a rape case We note that the All India Medical Council has introduced this Act in the syllabus for medical jurisprudence, with the object of setting up new norms for the medical profession. This will go a long way in breaking down the resistance of doctors

8 85 *We would also like to recommend the following changes in the Law*

(a) According to Section 4(a) of the Act—consent of a minor girl is not required for operation, while in other surgical operations on children above 12, such consent is necessary In our view this distinction is uncalled for and may lead to guardians' compelling younng girls to undergo this operation even when they do not want it The consent of the patient should be essential In the case of a minor girl nearing majority, if the doctor and the patient are in agreement, the consent of the guardian may be dispensed with In all such cases, greater discretion should be permitted to the doctor

(b) Section 8 of the Act provides an overriding protection to the doctor for any damage caused by the operation Since no such protection is given for other operations, this seems an unnecessary clause and may lead to negligence It may, therefore, be dropped

Change in Policy

8 86 During the First and Second Five Year Plans, Government's approach to the problem of population growth, and the need for family planning, was a long term objective depending as much, if not more, on 'improvement in living standards and more widespread education especially among women', as on positive measures for 'inculcation of the need and techniques of family planning [13]' Admitting that rates of population growth could only be altered over a period, it was agreed that programmes to restrain population growth had to complement a massive development effort [14]

8 87 From the Third Plan, however, restraint of population growth received a much greater emphasis and priority, with time-bound targets for reducing the birth rate and heavy invest ment in the administrative network to mount the programmes on the lines of a military operation, and the adoption of practices like mass sterilisation camps, financial incentives and appointment of promoters, to make sterilisation acceptable to the people The legalisation c abortions in cases of contraceptive failure was also a step to promote reduction in the birt rate Some State Governments even adopted measures to deny maternity benefits to Wom Government Servants after the third child We feel strongly about this measure, for t denial of maternity benefits to a working woman is likely to affect both the health of mother as well as that of the child In Madhya Pradesh, we met a group of women teac who complained bitterly that this measure has resulted in a number of them having to w till the day before the child was born We have already pointed out the results c absence of this benefit to construction workers [15]

8 88 The result of this change in emphasis was to put excessive reliance on the cl rather than the welfare approach to family planning Heavy investment in services, pe and propaganda, exclusively devoted to family planning, led to a relative neglect of th health and welfare services In the case of women, the maternity and child health family welfare, adult education, and economic progress, all suffered relative lack of and resources, and Family Planning came to be described as the most important gove programme for women The table indicates the inroads made by this programm

13 I Five Year Plan
14 II Five Year Plan
15 Vide Chapter 6 Section on Non Agricultural Occupations

investment of health services as a whole, resulting in the "unfinisned public health revolution" in India.

TABLL XX

Allocation for Health & Family Planning in various Plans
(Rupees in Crores)

	I Plan	II Plan	III Plan	IV Plan	V Plan
a) Allocation for other Health Programmes	98	216	226	226	816
b) Allocation for Family Planning	6.50	49.70	269.70	315	516
Ratio of allocation for Family Planning to other Health Programmes	6.63	23	114.91	139.38	63.23

8.89 The Draft Fifth Plan has changed the emphasis again, mainly in view of a growing realisation that the programme is becoming increasingly unpopular among many sections, and is failing to achieve the unrealistic targets. It is also admitted that a purely clinical approach cannot overcome the socio-psychological resistance caused by poverty, ignorance, low survival rate of children among the poorer sections, and the economic and social dependence on children.

8.90 Though integration of family planning with maternal and child health care was suggested in the Fourth Plan, the policy of integration could not be achieved, since the family planning services had been already placed under a different administrative machinery from the other health services.[16] A new strategy evolved for the Fifth Plan visualises the integration of family planning into the general health services, particularly its maternal and child care component including nutrition. The principle of integration will be extended to other fields, in particular to efforts at mass motivation through the existing channels for functional literacy, workers' education, health education and social welfare. It is proposed to reorganise training programmes to train multipurpose health workers to deliver the integrated health care services under the Minimum Needs Programme. The impact of this decision to see family planning in its proper perspective is clearly visible in the allocation of resources proposed for the Fifth Plan.

> "The primary objective during the Fifth Plan is to provide minimum public health facilities integrated with family planning and nutrition for vulnerable groups—children, pregnant women and lactating mothers. It will be necessary to consolidate past gains in the various fields of health, such as communicable diseases, medical education and provision of infrastructure in the rural areas."[17]

8.91 During our tours we found that wherever the medical personnel and the village level workers were mature and sympathetic in their approach and worked with a sense of social commitment, their persuasive power evoked a great degree of response. On the other hand there was considerable criticism of the 'motivators', most of whom are very young and inexperienced as well as purely untrained persons. It was a frequent observation that they were responsible for criminal mistakes like persuading extremely young persons both male and female to undergo sterilisation, or bringing elderly women who were long past the child bearing age for the same entirely because of the financial incentives.

> "Perhaps the greatest mistakes in the formulation of family planning programmes has been a gross over-estimation of the effectiveness of the 'motivators and an equally gross under-estimation of the resistance to be encountered motivating a community as a whole ......Motivation techniques were viewed as some sort of a magic which could be applied by a person to induce another to accept family planning."[18]

8.92 We understand that it has been decided to introduce community incentives and group awards for the programme personnel with a view to increasing the involvement of the

16. Banerjee D-op. cit.
17. Draft Fifth Five Year Plan—Chapter 10-Para 10.9.
18. Banerjee, D—'Family Planning—Some Inhibiting Factors' in *Population in India's Development—1947—2000*—p.408.

unity and strengthening the commitment of the staff and institutions in order to ve the quality of the services Most of the doctors and the women with whom we ssed problems of family planning were of the opinion that while payment to acceptors ld continue particularly for daily wage workers the payment to motivators is not only aste but has been responsible for much of the unpopularity of this programme There e also severe criticisms of the lack of adequate follow-up measures We also came across ge gaps both in areas and communities where the family planning services have not ched One group of women whom we met in Bangalore had never heard of family nning

93 During the course of its tours in the States, the Committee met a number of health and amily planning officials, social workers as well as a cross section of rural and urban women An analysis of the tour reports reveals that the message of family planning has reached almost verywhere, but access to health and family planning services was most inadequate Even in slum areas of big cities, there were no family planning clinics in the vicinity, and the women did not know where to go, though they were anxious to avail themselves of the information In the rural areas, there was an acute shortage of maternity facilities, and trained medical personnel

8 94 In Bastar district, and in some tribal areas of Himachal Pradesh, we were informed that the birth rate is 29 per 1000, which is well below the national target for the Vth Plan, and yet we found money being spent on Family Planning projects in these areas There were huge hoardings and posters advocating the small family norm, when this money could very well have been utilised for other welfare activities in these extremely backward areas

8 95 In our view, the inadequacy of qualified medical personnel and mature counselling present the greatest internal drawback to the success of this programme We are entirely in agreement with the Draft Fifth Five Year Plan, that integration of family planning with more positive health services like maternal and child health and nutrition and improvement in the life expectancy of children and mothers, will provide a far greater incentive to the adoption of family planning measures than the hitherto adopted negative approach

III WELFARE PROGRAMMES

8 96 Programmes for women's welfare and development can be classified under the following broad base

A Programmes in the rural areas —Welfare Extension Projects Family and Child Welfare Projects, Organisation of Mahila Mandals, Training Schemes for Workers

B Programmes in urban areas —Welfare Extension Projects, and Working Women's Hostels

C Other Programmes —Grants-in aid to voluntary organisations, Condensed Courses of Education for Adult Women, Adult Literacy and social education for women Craft training centres, Socio economic programmes, Nutrition Programmes, Social Defence Programmes, Border Area Programmes, Homes for Women

8 97 A *Rural areas* — The concept of rural development as conceived in India covers a wide field and has a history Both Mahatma Gandhi and Rabindranath Tagore had seen rural development as an important method of social mobilisation which could build the social infrastructure for independence[1] According to Tagore, it was an effort to make the village a self reliant and self respectful unit, with knowledge of its culture and history, and to enable the people to make use of modern resources for their full upliftment—physical social, economic, and intellectual Gandhi viewed rural development as aiming to make every village a 'Republic', in which no person would be unemployed, and everyone would enjoy sufficient nutritious food, houses with adequate hygiene and sanitation, and enough khadi fo their clothing Thus rural development was not seen only in its micro dimension, but as new philosophy for society, which was to bring social consciousness or a revolution among th rural people Tagore's Shriniketan and Gandhi s Village Construction Programmes were th forerunners of rural development that was to be taken up by the Government after indepe dence The Community Development Programme undertaken by the Government of In drew heavily from the Gandhian concept.

1 Das Gupta S— Voluntary Organ sation in Rural Development'—National Seminar on Role of Volu Organisations in Rural Development New Delhi 1971

8.98 The application of Gandhian ideas to the field of women's development had been done by the Kasturba Memorial Trust after the death of Kasturba Gandhi, which had been given a concrete form in the objectives and activities of the Kasturba Memorial Trust. This Trust was born with the objective of serving rural women by providing:

(i) education for women and children;

(ii) medical and health services; and

(iii) socio-economic programmes in the form of khadi and village industries to relieve economic distress.

The Trust trained a number of gramsevikas and mid-wives and the training centres were specially conceived to train and mobilise village women, specially widows and deserted wives. The health programmes aimed at prevention of diseases as well as promotion of positive health through maternal and child welfare programmes.

8.99 When the Central Social Welfare Board decided to launch the Welfare Extension Projects in 1954, this three-fold approach was adopted as the basic framework for provision of services. The activities included Balwadis, maternity services and general medical aid, social education and craft training for women. The original Welfare Extension Projects (WEP) were to serve a unit of 25-40 contiguous villages, with a population of 25-30 thousand through five centres. At the end of the Second Plan, there were 420 such projects with 2,004 centres. Eight of these projects, with 40 centres, continue to be operated by the Central Social Welfare Board, while others have either been closed or handed over to Mahila Mandals and voluntary organisations which receive 75% financial assistance.

8.100 Since the general objectives and methodology of this programme were similar to those of the larger programmes of community development initiated by the Government during the First Plan in 1952, and to eliminate duplication of work, it was decided that Welfare Extension Projects should be started in Community Development Blocks on a coordinated basis. All original Welfare Extension Projects were converted into this pattern as soon as the area was covered by a C.D. Block. These projects covered a block of 100 village with a population of about 60,000 through 10 centres. The work and the functionaries were supervised by a Project Implementing Committee which consisted of representatives of block officials and local voluntary workers. For the first year the budget was shared by the Central Social Welfare Board, the State Government and Community Development Block in the ratio of 12: 6 : 5 and at the end of 5 years the total expenditure was shared in the ratio of 24 : 12 : 5. At the end of March 1971, there were 264 projects with 2,800 centres.

8.101 Since greater importance was increasingly attached to the role of voluntary organisations in the continuance of welfare programmes, 1,629 centres of the Welfare Extension Projects (original and coordinated pattern) were handed over to Mahila Mandals by 31st March, 1966. 442 Mahila Mandals, who have taken over one or more activities of this project were given a grant of Rs. 25.69 lakhs during 1972-73.

8.102 On the recommendations of the Central Social Welfare Board and an Evaluation Committee of Social Welfare on the Welfare Extension Projects in 1964, it was decided to revise services existing in rural areas in different patterns aiming to develop a country-wide programme of integrated welfare services for children. Thus the Family and Child Welfare (F & CW) scheme was initiated in November, 1967, whereas extension projects provided services for women and children, the Family and Child Welfare Projects aimed at integrated development of the pre-school child, training to young mothers and all services that were necessary for the proper growth and development of the child and rural family.

8.103 The family and child welfare projects were funded by the Central and the State Governments in a 75: 25 ratio and aided by UNICEF with equipment, stipends and training facilities. They have progressively taken over the functions of the earlier projects of the Central Social Welfare Board and the Ministry of Community Development. The services provided are:—

(a) Integrated services to rural children; specially pre-school;

(b) Basic training to women and young girls in home management, health education, nutrition education, child care. General health and maternity services for women were also to be provided with the aid of the Primary Health Centres. Similar collaboration was also envisaged for nutrition. The CSWB's Annual Report for

972-73 however laments the lack of coordination and cooperation from other gencies which results in gradual denudation of the programmes

Assistance to women through Mahila Mandals, specially established centres and existing welfare agencies, for getting supplementary work to augment their income

Cultural, educational and recreational activities for women and children

There were 221 projects in existence at the end of 1970-71 and during 1971 72, 20 dinated welfare extension projects were added to this scheme, bringing the total to 240 31st March, 1973, 281 projects were functioning

04 *Maternity and Child Welfare Services* — With the integration of the First Plan, aternity and Child Welfare Services were taken up by the Ministry of Health as part of the erall development programme in health These services were augmented by WHO and NICEF A number of Maternity and Child Welfare Bureaux were established in States, affed by qualified women medical officers At the same time, the then Community Projects dministration also undertook these services in the Community Development and National Extension Service Blocks Other Ministries like Railways, Defence and Labour also promoted Maternity and Child Welfare Programmes through the Ministry of Health The number of Maternity and Child Welfare Centres increased and these services were given an important place in rural development programmes The Union Government assisted the States in establishment of primary health centres and sub-centres covering a C D Block At present, 5,195 Centres are functioning in the country Maternity and Child Welfare Services are also undertaken by the Ministries of Railways, Labour (under Labour Welfare and the various Acts in this section) and public sector undertakings

8 105 *Mahila Mandals* — Practically from the beginning it was realised that the objectives of these rural development programmes could not be achieved without the active participation and leadership of the local community Government functionaries however efficient and dedicated, can only provide some stimulus and act as catalytic agents to train and release efforts for self help of the people This was particularly true of women who had been paralysed by generations of social oppression, and denial of basic rights Both the Central Social Welfare Board and the Department of Community Development concluded that the proper agency for the success of this programme would be a committee of local women The organisation of Mahila Mandals thus became one of the objectives of these rural development programmes

8 106 The declared objective of community development is to enable rural women to organise themselves at the village level to assemble on a regular basis to learn from each other and from workers appointed by the Government The basic idea is to create opportunities for rural women to improve their status as house-wives and to take part in public affairs The department therefore organises Mahila Mandals, imparts training facilities to their members and provides incentive awards for performance

8 107 Mahila Mandals were organised in villages and blocks for promoting women's programmes Nutrition, education, health, mother and child care, home improvement, adult literacy, recreation and cultural activities and training and house and family planning were part of their programmes By the end of 1972-73 there were about 53,000 Mahila Mandals with a total membership of 14,00,000 averaging 11 Mahila Mandals per block Under the Applied Nutrition Programme, additional facilities are being provided for the promotion of economic activities of Mahila Mandals towards development and management of kitchen and school gardens, organisation of fishery units etc During the Fourth Plan 7,500 awards in various categories were given to Mahila Mandals

8 108 The Central Social Welfare Board and the State Social Welfare Advisory Boards als realised the importance of Mahila Mandals and after 1961 they are being given grants up 75% for running some programmes of the Board In 1972 73, 442 Mahila Mandals receiv a grant of about Rs 25 69 lakhs They are also running some Welfare Extension Projects the Board

8 109 Voluntary agencies like the Bharatiya Grameen Mahila Sangh have also establish large number of Mahi a Mandals The representatives of the Village Mahila Mandals f the District Mahila Samities and the representatives of the District Mahila Samities const

the State panel or State branches. According to the Bharatiya Grameen Mahila Sangh, its branches in the 17 States now cover 7,000 villages.

8.110 *Training Scheme for Workers* :—The various functionaries required for these rural development schemes are trained at centres located in different parts of the country. The training is organised by some government agencies like the Directorate of Extension of the Ministry of Agriculture and various schools of Social Work, non-governmental organisations like the Kasturba Memorial Trust Visva Bharati, Jamia Millia with assistance from the Central Social Welfare Board.

8.111 The Department of Community Development in the Ministry of Agriculture has a programme for training associate women workers to enable members of Mahila Mandals to come forward to become organised. The members of Mahila Mandals get to know about the organisation of Balwadis, health and nutrition, education, nursery, kitchen gardening etc. About 20,000 women received training in the Third and Fourth Plan and a sum of Rs 11.17 lakhs was spent during the Fourth Plan.

8.112 The Directorate of Extension of the Ministry of Agriculture also provides training for village level workers of Community Development Block at 25 centres. The emphasis is on the protection of Agricultural production and nutrition education. In service, training facilities are provided after 2-3 years service and two week refresher courses are given to Mukhya Sevikas. Refresher courses are also given to Instructresses for Gram Sevika and Mukhya Sevika training centres for six weeks. Associate workers such as Gram Lakshmis or Gram Kakis are also given one month's training. Under the nutrition education scheme of 1969-70, training is being given to associate women workers.

8.113 Farm Women's Training Courses for one week are organised at about 100 training centres for farm women. This farmers' training was started in 1968-69 in a few districts and is now being implemented in almost all districts. The emphasis is on agricultural production, re-production patterns of high yielding variety cereals, stock managements, nutrition etc. Radio broadcasting is also used for educating the farm women and organising discussion groups.

8.114 The Bharatiya Grameen Mahila Sangh also holds various training camps for rural women. Among these are leadership training camps sanctioned by the Department of Social Welfare in border areas. Similar programmes have also been sponsored by the CSWB. The increased agricultural production programme is a seven day camp sanctioned by the Ministry of Food and Agriculture for training in improved agricultural methods and covered 650 villages till March 1973. The Ministry of Health has sanctioned the family planning orientation programme to train village women in methods of family planning.

B. Urban Areas

8.115 The structure of welfare programmes in urban areas varies from region to region. The municipalities and local administration are responsible for providing basic formal education and health facilities like schools, hospitals, dispensaries etc. Welfare programmes as such have already been left to voluntary organisations, which in some cases receive grants through the Central Social Welfare Board or the State Governments.

8.116 In 1958 the Central Social Welfare Board started Welfare Extension Projects in the urban areas to meet the needs of people living in the slums, particularly in new industrial areas. These projects provided balwadis, creches, arts and craft classes and family planning and maternity advice for women; they also do placement of destitutes. 65 such projects were in existence at the end of the Third Plan. They were reduced to 33 by 1971-72 and 1972-73. In 1972-73, 34 Welfare Extension Projects received Rs 2.78 lakhs benefiting approximately 70,000 families.

8.117 *Working Women's Hostels* :— An increasing number of women are leaving their homes and entering employment. The problem of accommodation in metropolitan areas, particularly impelled the Central Social Welfare Board to provide grants for hostels for working women as one of its services. The Board viewed this service as a preventive measure against the possibility of young girls in urban areas being exposed to undesirable and anti-social influences.

8.118 The scheme was started during the Second Plan and the Board sanctioned grants to voluntary welfare institutions willing to provide healthy accommodation at reasonable rates

rking women of lower income groups At the end of the Third Plan, 101 grants ting to Rs 9 76 lakhs had been sanctioned During 1972-73, 29 hostels received a grant 66,000 from the Board During 1971-72, the Department of Social Welfare initiated a e for financial assistance to voluntary institutions for the construction of hostel buildings pital cities and cities with a population of over ten lakhs The pattern of assistance is r review at present and in the Fifth Plan a sum of Rs 5 crores has been set aside for els for working women

Other Programmes

19 (i) *Condensed Courses of Education for Adult Women* — The very high percentage of teracy amongst women as well as various difficulties in imparting education to them gave e to the condensed courses of education for adult women which are being implemented by rious governmental and non governmental agencies The programme was initiated by the entral Social Welfare Board in 1958 with the dual objective of opening new vistas of employ nent for needy women and to create a band of trained workers for various projects in the ural areas

8 120 Under the scheme, adult women between the ages of 18 and 30, who have some schooling, are prepared for middle schools, matriculation or equivalent examination within a period of two years Grants upto Rs 35,000 per course of two years are given for maintenance, stipends, salaries to teachers and educational equipment Women who complete these courses can go in for vocational training as nurse, mid wife, gramsevikas, etc In the Second Plan Rs 58 82 lakhs were sanctioned for 271 courses, though only Rs 28 88 lakhs was released In the Third Plan, a provision of Rs 150 lakhs was made for 500 courses Upto the end of February 1973, 1,386 courses were started and Rs 3 0 crores were spent Of 33,000 women enrolled about 25,000 completed their studies The programme has been extended to wives of Jawans killed or disabled in action The Community Development Department also has established adult literacy centres in blocks which cover women

8 121 (ii) *Socio-Economic Programmes* — It was realised at an early stage of the welfare programmes that they would not have the desired impact unless the women were imparted some craft or technical training This was a part of the three pronged approach of the earliest programmes While health received some attention and resources from the Ministry of Health, and Family Planning, as well as welfare agencies, the economic schemes did not receive corresponding attention from the concerned governmental agencies On a very minor scale, some socio-economic schemes were initiated by the Central Social Welfare Board and its grants in aid schemes and also organised on a small scale by the Department of Community Development and some voluntary organisations Initially started by the Ministry of Rehabilitation for refugee women, it was taken up by the Central Social Welfare Board in 1954, to provide leisure time employment to women in lower income groups and help them supplement their income This was undertaken in cooperation with the Ministry of Commerce and Industry which provide them necessary assistance in technical training finance and marketing The scheme was working in co-operation with State Governments and State Social Welfare Advisory Boards 95 demonstration cum training centres set up in 26 pilot projects for industries in the Community Development Project areas have benefited women

8 122 At present the socio economic programme of the CSWB provides financial assistance to voluntary welfare institutions and to Co-operative Societies for setting up small production units where needy women or handicapped persons are given initial training and subsequently provided with employment In the implementation of this programme, the Board as well as voluntary institutions and Co-operative Societies obtain technical assistance from the National Small Industries Organisation and regional offices of the All India Handicrafts Board and All India Handloom Board The categories of the scheme that are being implemented under this programme are —

1 Production units of small scale industries, such as manufacture of toys and articles, printing books, binding fruit preservation and canning, bakery, confectionary, ready made garments etc

2 Handicrafts training cum procurement and production units, for example, cane and bamboo articles, mat weaving, traditional embroidery, etc

3 Handloom training cum production units,

4 Units ancillary to large industries, and

5. Industrial co-operative societies set up under the voluntary welfare programmes started by the Board in 1953-54.

8.123 Upto the end of March 1972, the Board had approved grants to 130 institutions for setting up production units with an employment potential of about 4,000 under various categories of schemes. By the end of March 1973, an amount of Rs 54.60 lakhs had been sanctioned for 140 approved units with an employment potential of 4,235.

8.124 The Annual Report of 1972-73 of the Central Social Welfare Board mentions that the attention of the State Governments have been drawn to the need for extending some sort of protection or patronage to socio-economic units run by voluntary institutions buying their products. The problem of marketing remains unsolved and unless this is overcome, the objective of a number of socio-economic programmes will remain unfulfilled. A number of Ministries such as Railways, Ministry of Labour, apart from the Ministry of Agriculture and Community Development have small schemes for providing craft training to women. The Mahila Samities of the Ministry of Railways have handicraft centres to help women in learning some trade to enable them to supplement the family income. Some public sector undertakings have mahila mandals which also provide such training. While the emphasis on these programmes to improve women's earning power indicates awareness of the dimension of women's problems, it is doubtful whether these programmes are having the desired impact, since most of these women are not able to obtain the raw-material or market the finished goods. It is also remarkable that the Governmental agencies responsible for promoting industrial development have completely ignored them and the reality of the problem that they are trying to solve.[2]

8.125 (iii) *Nutrition Programmes* :—The Plans emphasised nutrition as a major problem particularly in rural areas, and among the lower income groups. The Department of Social Welfare and the Central Social Welfare Board, the Ministry of Health and Family Planning, the Department of Community Development of the Ministry of Agriculture and the Ministry of Education are all operating various nutrition schemes for women and children.

8.126 The Special Nutrition Programme of the Government of India was introduced in 1970-71 to provide supplementary nutrition to children in tribal areas and urban slums, by the Department of Social Welfare. This scheme covers a number of pre-school children in the 0—6 age groups and nursing and expectant mothers. Over 19,600 feeding centres have been set up in the tribal areas and about 7,500 in urban areas. The Department of Social Welfare also implements a nutrition programme for children in the age-group 3-5, through the balwadis and day care centres run by the CSWB, the Indian Council of Child Welfare, the Harijan Sevak Sangh, and the Adimjati Sevak Sangh, covering 2,00,640 children and 5,577 institutions. The balwadis of the Family and Child Welfare Projects were generally excluded from this Programme because provision for nutrition was already provided in the scheme. The Board, however, feels that it has not been possible to build up adequate machinery for implementation and supervision of this programme at the State and Central levels and it requires greater provision by the Government.

8.127 The Directorate of Extension of the Ministry of Agriculture has been running a Composite Nutrition Programme since 1969-70, to provide nutrition education in areas not covered under the Applied Nutrition Programme. It includes nutrition education, through mahila mandals, strengthening the supervisory machinery for women's programmes, encouragement of economic activities of mahila mandals, training of associate women workers and demonstration feeding. The Applied Nutrition Programme of the Department of Community Development was introduced in collaboration with UNICEF, FAO and WHO. It was intended to educate the rural people in improved nutrition by promoting the production and consumption of protective foods like fruits, vegetables, fish and poultry. From 1966-67, steps were taken to co-ordinate the operation of the Applied Nutrition Programme with other schemes like the Mid-Day Meal Programme of the Ministry of Education, and the Family and Child Welfare Projects of the Department of Social Welfare. During the Third Plan period, the ANP covered 221 blocks and by the end of 1972-73 it covered 1,101 projects and spent Rs. 1.46 crores for this purpose. Under this programme, demonstration, in cooking and feeding is held, particularly designed to give direction on nutrition through the mahila mandals and to train women workers.

8.128 The Ministry of Health has increasingly emphasised nutrition particularly for pregnant women, lactating mothers and pre-school children of the weaker sections, through an integra-

2. Vide Chapter V — Section on Vocational and Technical training.
3. Annual Report 1972-73 — CSWB.

programme of supplementary feeding health care, immunisation as well as nutrition ation During the Fifth Plan, concentrated attention will be given to these vulnerable ions in rural areas urban slums, tribal development blocks and school going children of weaker sections Within the resources allocated, it should be possible to cover about 11 ll on additional beneficiaries in the Fifth Plan This programme is under the budgetary ntrol of the Department of Social Welfare

129 The Fourth Plan Special Nutrition Programme for pre school children and expectant nd nursing mothers has been redesignated and included in the Integrated Child Development Programme in the Fifth Plan The services include supplementary nutrition feeding immuni ation, health check up and referral services, health and nutrition education The entire expenditure for the ICDP during the Fifth Plan will be made by the Centre and implemented through the State Governments and Union Territories It is proposed to cover about 7 000 nursing and expectant mothers in each project Women between 15-44 years numbering approximately 23,000 will be provided nutrition and health education In the tribal areas 2 450 nursing and expectant mothers and 7,000 women in the 15 44 age groups are the target population for each project The ICDP depends on inter departmental co ordination between the Ministry of Health, State Health Departments, Community Development Department and the Department of Social Welfare The existing 33 000 feeding centres of the Special Nutrition Programme and balwadi nutrition programmes in operation in organised slums, tribal areas and other rural areas will initially be included into ICDP centres in the project areas

8 130 **Social Defence Programmes** —Among the services available in the country for the correction and reformation of persons who come into conflict with the law are the following which apply directly to women —

a) Suppression of Immoral Traffic ,
b) After care services,
c) Welfare Services in Prisons,

These services are provided by the Department of Social Welfare and the Rehabilitation Directorate at Central level

8 131 (a) The Suppression of Immoral Traffic in Women and Girls Act of 1956 provides for protective homes and reception centres There are at present 33 protective homes and 68 reception centres and district shelters in the country A scheme for short stay homes for rehabilitation of women and girls facing moral danger was approved in 1969 70 and two pilot projects—one in West Bengal and the other in Madhya Pradesh were provided grants of Rs 1 10 lakh in 1972 73 During the Second Plan, programmes were drawn up under Social and Moral Hygiene and After Care Programmes not only for those under the SIT Act, but also those discharged from Correctional and non Correctional Institutions The State Governments were assisted to set up special homes such as protective homes

8 132 We visited some of these protective homes In the Protective Home in Lucknow and in the Nari Niketan in Delhi efforts are made to rehabilitate the inmates by providing training in sewing and embroidery There is no formal procedure for marketing of the these products, nor are the inmates given any training either to organise production or marketing We were informed that sewing machines are presented to the inmates when they are discharged to help them to become self employed This practice was reported to be prevalent in many States According to reports by social workers in different parts of the country, most of these young women find it difficult to earn an adequate livelihood from this occupation Quite a number are compelled to dispose of the machines, and revert to their original profession We were rather distressed to find that these homes house women rescued from immoral traffic as well a young girls sent under the Children's Act Even insane women are housed in these homes We consider this to be a very unhealthy and undesirable situation We also feel that the trainin provided for rehabilitation in these homes is not adequate and requires much greater attentic and planning as well as resources We were informed that in some of the homes, efforts a made to return these young women to their families wherever possible, or to arrange marriag for them

8 133 There has been considerable discussion on these programmes for rehabilitation victims of immoral traffic During a recent Judicial Seminar on Correctional Services,[4]

4 Organised by the C-ntral Bureau for Correctional S-rvi es in collaboration with the lhi U February 1974

speakers, who included representatives of the Association for Social Health, the Director of Social Welfare, Delhi Administration and members of the staff of the Delhi School of Social Work, pointed out the inadequacy of the arrangements for the employment of these young women. Without economic rehabilitation, much of the efforts made for their rescue is wasted. Some social workers have suggested to us that the best way for rehabilitation would be to set up production-cum-marketing centres along with these Homes. It is also necessary to diversify the types of training provided to the inmates, since over-dependence on tailoring and embroidery has led to considerable waste. Economic independence is the only way to protect these women from the clutches of persons who have a vested interest in this traffic.

8.134 Homes are also provided for the aged and destitute women in various States though the total number of such homes is inadequate in terms of the population to be covered. A scheme for the welfare of destitute women between the ages of 18-44 and 45-65 providing for basic amenities of food, shelter, clothing, besides education and training in craft to enable the younger group to become self-reliant, as also services for dependents children upto 7 years was finalised in 1970-71. For the first group, residential institutions to accommodate 200 persons were to be provided. The scheme was to be implemented by giving grants-in-aid to voluntary organisations upto 75% of the expenditure. The total Fourth Plan provision was Rs. 100 lakhs. We regret to note that the scheme remains unimplemented.

8.135 *Grants-in-Aid* :—Grants-in-aid are extended to registered voluntary institutions working for welfare of women, children and handicapped persons. Under the grants-in-aid for women's welfare during the First and the Second Plan, assistance was provided for expansion, development and improvement of activities of voluntary organisations. On the basis of the recommendations of the grants-in-aid Committee, the Board decided to limit the assistance during the Third Plan to consolidate and improve the activities initiated during the First and the Second Plan. Generally all grants except those given for developing special schemes were given on a matching basis.

8.136 The amounts allocated to these schemes during the four Plans indicate that while the First and Second Plans brought in a number of voluntary institutions within the network for administration of welfare services, Government's dependence on these bodies has registered a decline during the Third and Fourth Plans.

Grants sanctioned to Voluntary Organisations by the Central Social Welfare Board under Grants-in-Aid Programme.[5]

1st Plan	Rs. 75,54,000
2nd Plan	Rs. 294,00,000
3rd Plan	Rs. 246,00,000
4th Plan	Rs. 159,61,000

Voluntary Organisations

8.137 Voluntary welfare services in India have always been an integral part of the cultural and social tradition. The bulk of the social services were provided by the voluntary sector prior to independence. Social welfare services have always been present in some form or the other for the well being of the weaker sections of society who, because of various handicaps, social, economic, physical, etc., could not make use of, or were traditionally denied, normal facilities. The weaker sections included women, children, the aged, infirm and handicapped, Scheduled Castes and Scheduled Tribes.

8.138 Voluntary organisations may opt for several alternative roles according to their objectives and composition. They may be innovational and experimental activities in fields where Government has not entered. They may co-exist with a public sector and the private sector for social development because they may have some advantages over the former or they can provide the Government with a supportive base, i.e., they can work like agents of the Government at local levels and operate programmes of the Government as their own.[6]

8.139 Soon after independence, on the basis of a survey made by the Planning Commission, it was estimated that there were about 10,000 voluntary organisations in the field of social welfare. In order to strengthen and encourage these agencies the Central Social Welfare Board was established in 1953, with a nationwide programme for grants-in-aid. It was

5. This does not include grants paid for socio-economic programmes or condensed courses.
6. Das Gupta, S. — op. cit.

d that the voluntary organisations, with the qualities of flexibility, of experimentation, n touch, nearness to the clientele, sensitiveness to the new problems and capacity to ver new ideas could be of great assistance, since it was not possible for any Government e care of all the welfare needs of the people The voluntary agencies could also mobilise rces from within the community for social welfare

0 The relative importance of the role of the State and the role of the voluntary agencies been engaging the attention of policy makers planners, social thinkers administrators and untary workers In 1959, a Study team on Social Welfare and Backward Classes appointed the Planning Commission, recommended that whereas all programmes of social welfare sing out of the statutory responsibility of the State should be sponsored by State departments Social Welfare, other social welfare services to meet local needs should be implemented rough voluntary organisations A seminar on Social Administration in Developing Countries eld in New Delhi in March, 1964 felt that the co operation of the State and voluntary agen ies in meeting social needs would always bring out better results in promoting welfare services on a larger scale

8 141 We met representatives of some national voluntary organisations working for women's welfare and the welfare of socially deprived groups We also met representatives of voluntary welfare organisations in every State during our tours Most of the women s voluntary organi sations have been confined to the urban areas, with its membership drawn mainly from educa ted urban middle class women Their main activities are conducting literacy classes adult education centres balwadis, promoting women s co operatives small savings handicrafts etc Some of these organisations have also taken up family planning programmes In times of emergency, such organisations have organised canteens blood banks and other services These organisations seek to raise the status of women in the social, economic political and educa tional fields They have passed numerous resolutions for the uplift of Indian women but their constructive activities have suffered from limitation of resources personnel and failure to reach rural areas

8 142 Only a few organisations have endeavoured to work amongst rural women to improve their living conditions, promote leadership and assist them to take part in developmental activities The Government has given grants for some voluntary welfare activities In some cases, the grant has been for administration and maintenance while in other cases it has been allotted for programmes only

8 143 Apart from The Central Social Welfare Board s grants in aid programme there is no machinery to co ordinate and distribute the services provided by these bodies to ensure greater efficiency and even distribution Nor are the resources of the majority of these organisations adequate to maintain trained workers for their complex types of work Initially the important organisations were able to act as pressure groups in directing the attention of the Government to social problems, and to mobilise support for social legislation Our investigation has shown that these law still remain unknown to the large mass of Indian women, who have not been able to take advantage of them Most of these organisations operate independent of each other and as such have not been able to fully benefit the community

Governmental Administration of Welfare Programmes —

8 144 Expenditure for welfare programmes including programmes meant for women is low in comparison to other sectors, since it has been viewed as a non productive item in comparison to the economic sectors In times of stringencies financial cuts are made first in this sector, since returns from investments are not immediate A break up of allocations indicates that a major part of the expenditure is on maintenance and establishment charges leaving only a small percentage for actual services [7] The administrative tradition in India has tended to emphasise maintenance of law and order, and economic development, and departments dealing with welfare programmes generally occupy a relatively less important position in the Govern mental structure The training imparted to the administrators also emphasises the sam aspects It has now been realised that administration must also be welfare oriented an recently a working group has been set up to frame a syllabus for social administration for t training of service probationers at the National Academy of Administration and other St level training institutes

7 The Welfare Centres run by the Labour Dept in U P have an annual provision of Rs 60 000 expenditure on staff and other establishment charges, we discovered came to nearly Rs 4000 month

8.145 The administration and handling of welfare programmes has become increasingly technical. Administrators have to acquire technical orientation for successful implementation of social welfare programmes. The lack of emphasis on the required technical competence and the limitation of resources have had an adverse impact on the quality and success of welfare programmes.

8.146 Certain iactors Impede realisation of a high degree of rationality in organisation and flexibility in operation. The federal nature of our polity vests responsibility for implementing social policy and programmes with State and local authorities, but resources andagencies for planning are at the Centre. The weakness of local authorities further complicates the problems. There is dire need for greater co-ordination between voluntary agencies and organisations built up by Government, between activities of States and the Central Government and of the district or local level organisations and the States.

8.147 *State Level* :—At present the majority of the States have a Minister-in-charge of Social Welfare, though their portfolio might include other subjects. State Governments give still lower priority to social welfare programmes, and are reluctant to allocate sufficient resources. It has also been found that in the operation of the democratic process, the interests of the weaker sections are sometimes neglected, as they are relatively less vocal and less powerful than the dominant section of the population. Due to existing social prejudice and attitudes towards women, any policy regarding their welfare and development is limited either to education or welfare of special groups like handicapped or destitute women. Therefore, though social welfare is a State subject, the major share of the State's allocations go towards the maintenance of the existing social welfare activities initiated generally by the Centre.

8.148 As an illustration, it may be mentioned that during Shri Charan Singh's tenure as Chief Minister in U. P., all women's welfare programmes of the Government were summarily discontinued. The State Social Welfare (Advisory) Board was however allowed to continue because of strong representation from the State Finance Department that its abolition would result in stoppage of Central assistance. The closure provoked a protest from the women functionaries whose services were held up as a model to other States, because of their success. The result of the closure has left only skeletal services for women in the States.[8]

8.149 Most State Governments do not have any machinery for collection of data or planning of welfare services. The State Social Welfare (Advisory) Boards, which might have fulfilled this role, serve mainly as a link organisation to supervise, implement and report on the working of aided voluntary organisations in the State and as an agency of the Central Social Welfare Board. The relationship between Central and State Governments, the Central Social Welfare Board and the State Governments are also not clearly defined and the status of the State Boards differs from State to State.

8.150 Local administrations have shown even less interest in women's welfare programmes in general and local bodies authorised to allocate resources have given very low priority to them. Every where we were told that the Mahila Mandals were being starved of funds and not being provided even with accommodation. The process of co-opting women into the panchayats has also not been very successful as their small numbers has prevented them from being more effective in emphasising the needs of women. As a rule, they have not had an effective voice in policy making or the allocation of resources. The male members of the rural elite are by and large not favourably disposed towards improving and changing the position of women and consequently women's programmes are apt to be neglected.

8.151 *Increase in role of Centre* :—The neglect and indifference to welfare activities by the local and State Governments has led to an increase in the role of central agencies in this field. Within the federal framework the Central Government's role should normally be planning, monitoring progress of activities, stimulating particular activities to ensure a national minimum standard, and guiding States through policy directions, giving advice and providing technical and financial help. The reasons for this increase in the role of the Centre can, therefore, be summed up as follows :—

(a) Limitation of resources of the State Governments;

(b) Indifference and low priorities for welfare programmes on the part of most State Governments;

8. A Senior Officer of the Central Government described the attitude of most State Governments to Women's Programmes as one of indifference. Posts earmarked for these programmes often lie vacant, and are then diverted for other purposes.

(c) Absence of proper welfare agencies in most of the States

52 The experience of the Central Social Welfare Board suggests that the Coordination ommittees as envisaged at the local level for some of the projects of the Board were not very seful since local administrations were not willing to take up women's welfare programmes The State Boards were not in a position to function autonomously and the State Governments were disinterested in women's welfare programmes

8 153 Under the system of financial relations between the Central and the State Governments, the Centre provides assistance for development programmes during a Plan period either on sharing or on full basis At the end of the Plan period full responsibility for continuing the programmes devolves on the States In the case of the women's programmes initiated by Central agencies, State Governments have not always been willing to accept the responsibility for continuation In such cases, these programmes have had to be discontinued or redesignated as a new programme so that Central assistance could be continued

8 154 Standardisation of Programmes :—The concept of a local need based approach to social welfare has gradually been over shadowed as a direct consequence of this centralising trend Programmes and policies are initiated at the Centre, and there is increasing distance between the level of policy making and the levels of implementation National programmes are framed without adequate reference to local variations and needs and this defeats the very purpose of social welfare It particularly affects the initiative of the local community and the voluntary sector, and leads to increasing bureaucratisation It has also prevented the State Governments from admitting their responsibility in the field of wlefare.

8 155 Because of this bureaucratisation and centralisation, the authority and initiative of the field staff is considerably impaired As an example, the field staff at the State level are not taken into confidence nor are their suggestions considered at the level of policy and planning For a number of schemes of the Central Social Welfare Board, the State Boards have little authority for initiating and reviewing the programmes

8 156 The delays inherent in routine procedure and functioning of the Government hampers the progress of the programmes Government organisations and procedures, with rigid rules governing sanctions and expenditure by their very nature, are not suited to the essentially informal and personal approach required for welfare work Generally the approach of the voluntary workers and organisations is more flexible and personal Once funds have been allotted for a particular project, they cannot be diverted for any other purpose and thes agencies have to function within the rigid framework of the Government sanction

8 157 Lack of Coordination :—An examination of welfare and development activities unde taken in the country so far indicates that there is a multiplicity of programmes, agenc and functionaries A large number of these programmes have very similar objectives functions

These programmes are run by different Departments, have separate allocations, and the staff belong to different agencies Areas of implementation in many cases are not ratio demarcated Since most of these are Central programmes, planning and policy mak carried out by separate Ministries and Departments at the Centre There is very little coordination between these Ministries and Departments, except where a coordinate gramme has been envisaged (as in the case of the Fifth Plan Integrated Child Devel Programme) This leads to a waste of funds in the duplication of administrative ma leaving a relatively small amount for the actual implementation of the programmes

8 158 There is very little coordination at the State level also Even though the St Welfare Advisory Boards have some government officials as members, this has ensure any substantial coordination of governmental effort in the welfare of wome project level, the functional committees and implementation committees are cons representatives of the State Governments and the State Boards They have collaboration with the panchayats or other local organisation The experier committees has not been always happy Besides, their scope of activities is limite programmes of the Board

8 159 There is little justification for the vast number of agencies for implem programmes with almost similar objectives A division in administrative ag justified on one of three grounds :

(a) territorial distinction i.e. each agency functioning in clearly demarcated territory ; (b) methological distinction i.e. if the method of work has to be different ; (c) functional distinction i.e. if the objectives of the agency are such as to warrant a separate organisation. The present allocation of work amongst various agencies has followed no such principle of clear distinctions.

The Central Social Welfare Board

8.160 As one of the most important agencies for the implementation of social welfare activities, the status of the Central Social Welfare Board is currently under consideration. Though in practice the Board has enjoyed some autonomy, legally it has no independent existence. It was given the status of a charitable company in 1969 to meet audit objections in the way of giving grants. This has not solved its problems and its relationship with the Department of Social iWelfare in regard to policy, planning and approval of programmes and financial allocatons clearly indicates its status as a subordinate agency of the Department.

8.161 The justification for creating an agency outside the ministerial framework of the Government lay in the peculiar nature of welfare work, which required a flexible, personalised and committed approach, not easily possible within a Government department because of procedural rules and regulations. The intention of the Government was thus undoubtedly to create a specialised agency with its membership drawn from the ranks of social workers, with direct experience of voluntary welfare activities. Some other specialised agencies created by the Government have been given statutory autonomous status. The unfortunate vagueness of the status of the Central Social Welfare Board, created administrative difficulties and led to its registration as a company in 1969. This arrangement has been admittedly unsatisfactory, and there is an increasing demand for a more autonomous status.

8.162 It may also be noted that at the time of the creation of the Central Social Welfare Board, the Government of India had no central department responsible for social welfare. With the establishment of the Department in 1966, and its increasing role in planning and execution of various welfare programmes, the Central Social Welfare Board's position has become still more anomalous. Uncertainty regarding its ultimate status and consequently of the State Boards has had a very adverse effect on their functioning.

8.163 At a Conference of State Ministers of Social Welfare held in July 1972, recommendations were made for the reorganisations of the Central Board. This re-organisation was dependent upon the adoption of a general enabling enactment. The State Governments, who had been advised to implement recommendations of this Conference with regard to the State Welfare Boards, were asked to defer action until the reorganisation of the Central Social Welfare Board.

8.164 At a second Conference of the Social Welfare Ministers and Secretaries held in January 1974, discussions covered four major points. In regard to functions of the Central Social Welfare Board, it was decided that in addition to its executive functions, the Central Social Welfare Board should be responsible for the following :—

(a) To advise the Government on the problems and provision of measures for the welfare of women, children and the handicapped.

(b) To promote investigation into the study of problems in specific areas, particularly those affecting women and children.

(c) To arrange training for social workers at all levels for promoting the involvement of women in national activities.

(d) To provide technical guidance to voluntary organisations for effectively rendering welfare services.

8.165 In regard to the composition of the Central Social Welfare Board, the Conference urged that all the Governments of States and Union Territories by rotation, should be represented on the executive committee and the General Council of the Central Social Welfare Board. In conformity with their demand for greater control over the State Boards, the States and Union Territories wanted a greater voice in the nomination of State Board members. With regard to relationship between the Central and State Social Welfare Boards, some States wanted them to be set up by the State Governments, while others wished to register them as independent societies.

8 166 Procedures and Difficulties Faced by Field Agencies —Because of the present variations in status and functions of these multiple agencies for welfare and development activity, the field staff experience many difficulties The procedure for the release of grants to a voluntary agency often takes about six months and a great deal of hardship is faced by the voluntary agencies whose meagre resources often do not permit continuation of the programme The uncertainty felt by the staff seriously hampers their work Many voluntary agencies informed us that they do not have trained workers to manage the accounts in the manner required by the Government

8 167 The ad hoc nature of the programmes, their frequent conversion under the various Plans, and the reluctance of State Governments to take over maintenance have also caused a great deal of uncertainty among the field staff For example, in the case of the Family and Child Welfare Projects, at the end of the Fourth Plan period, 13 States and 3 Union Territories have agreed to accept the responsibility Six States have not agreed and the continuation of 74 projects are now uncertain It is proposed to absorb them in the Integrated Child Development Programme The feeling of the Board in this matter is clear "With more time, more projects could have been started in consultation with State Governments The proposed change in the nomenclature and contents of the programme and transfer of all the programmes from the Board to the State Governments without ensuring continuity by allowing sufficient time for the existing schemes to achieve their objectives, only tends to confuse the rural population"

8 168 The staff of the Central Social Welfare Board and the State Boards are not considered par with Government employees and do not enjoy the same facilities and benefits Their itus at the field level is also temporary and dependent on the allocation for the year or the ic of the projects They have a feeling of uncertainty because of the temporary nature o neir appointment which is dependent on the continuance of the scheme They face umber of difficulties, particularly accommodation problems

8 169 We met a large number of these field workers in various States In our experien the workers from voluntary organisations and the Board's staff have, on the whole, esta shed better relationship with the village community, since they are better motivated dedicated to welfare work, as compared to Government functionaries who are more con ned with their service conditions, promotions, etc The Board's cadre are more knowl able about the programmes in their areas and can give a better idea about the difficulties regard to their implementation

8 170 In recognition of this problem, the Department of Social Welfare has, r examined the service conditions of the staff of the Board, and some of the recommen of the Third Pay Commission have been made applicable to employees of the CSW Officer on special duty was appointed by the CSWB in 1973 for drafting service re for its employees The draft is now under examination by the Department of Social and is expected to be finalised in the near future

8.171 Deficiencies of the Programme —While most programmes for women have e acquisition of knowledge and skills to improve their efficiency as housewives and mo to improve their earning power, they have neglected the dissemination of informa cularly regarding their rights and duties, which could increase their awareness a their participation as citizens The objective of improving their earning power h been adequately fulfilled

8 172 The Role of Voluntary Agencies — Though it would be difficult territories, the relationship of the voluntary and the Government sector shou complementary and mutually supportive The present relationship betwee not been very satisfactory and a number of complaints have been voiced on Ideally the Voluntary Sector should provide services for implementation grammes while the financial contribution should come from the Governmen voluntary agencies have a surveillance role to play to see to what extent soc the Government have contributed and can contribute to social welfare

8 173 Voluntary organisations complain of lack of involvement with Gover they are not consulted at the planning stage Being totally outside t have been reduced to the level of grant receiving agencies agencies have come to rely heavily on the Gove manitarian impulse of voluntary welfa

considerably reduced. The basic concept of social work is that it should arise out of the local community needs. Voluntary agencies have repeatedly stressed that they should be equal partners with the Governments in the fields of welfare and accountable only for rendering proper accounts for grants. At the policy planning level, voluntary agencies desire that their experience and advice should be taken into acconut.

8.174 The voluntary agencies also express difficulties faced by them because of lack of training of their workers. Training facilities should be provided by the Government, if possible. Without technical and organisational competence, they are unable to utilise resources in the most productive manner. One of the respresentatives of a voluntary organisation needed to review their organisational structure with a view to improving the managerial and professional competence of their workers.

8.175 The rising cost of living has reduced funds from private sources. It has also affected the ability of women to devote the same time and resources to voluntary work. Consequently, the area of constructive work of most of these voluntary agencies is limited to their neighbourhood.

8.176 The Conference of State Ministers and Secretaries of Social Welfare held in January 1974, earmarked the following programmes as of interest to voluntary organisations:

1. Socio-economic programmes organised broadly on a co-operative basis ;
2. Condensed courses of education for adult women ;
3. Functional literacy for women ;
4. Integrated Child Development Service Programme.

It was also agreed that the procedures and rules for making grants should be liberalised, and new ways found for raising and training voluntary workers, to ensure greater coordination amongst them and to imrove the dialogue between governmental and non-governmental sectors at all levels, particularly at the district level. This can succeed only with a change in the approach to the voluntary sector.

Recommendations :

A. *Health and Family Planning*

8.177 While welcoming the proposed integration of family planning and maternity and child health services in the Fifth Plan, we wish to offer certain suggestions with regard to its organisation at different levels, so that the objective of integration is not defeated by organisational separatism.

We recommend that :

1. The rank of the Chief Executive for the integrated maternity and child health services, including family planning, should be upgraded to at least that of an Additional Commissioner, so that this service does not again become subordinate to Family Planning. This procedure should be adopted at all levels of the administration at the Centre and the States.

2. A separate budget head for maternity and child health services should be created, drawing on the provisions now made for family planning and the general health services. It is important to increase the provision for these services to avoid their being neglected, as has been the trend so far. Since programmes for immunisation and nutrition of infants yield better results when they form a part of general maternity and child health services, we see no difficulty in increasing the allocation for these services.

3. At the level of the primary health centres, the maternity and child health services should be separated for purposes of administrative supervision, provision of medical personnel and budget. While they may share the same buildings and equipment, a separation of the administrative structure required for maternity and child health services will ensure greater priority of treatment. It has often been found that the services of the lady doctor, lady health visitor and the auxiliary nurse-mid-wife, are not available to the poorer sections of the rural community. The primary health centres have to cater to the whole population, and women and children do not always get the priority of treatment in the way of medical attention or medicines and other facilities. Separating the M.C.H. Unit will limit the clientele to the women and children, and make the services more accessible to these weaker

ps The allotment of facilities in the way of maternity beds, equipment for immunisation children and family planning for women could be allocated to the M C H Unit The H C could be responsible for sterilisation operations for men along with other general alth services

The proposed Integrated Child Development Programme calls for a coordinating agency t the implementation level, to coordinate all the nutrition and immunisation measures which form a basic component of the programme If the M C H Unit is separated as suggested above, these functions could be allotted to it

Yet another function that could be undertaken by these Units with suitable provision of staff is that of maintenance of fertility and morbidity statistics for women and children, the absence of which has made it impossible to undertake any substantial research and evaluation in these fields

4 We recommend that each M C H centre should collect this data which should be studied and evaluated at the district level by persons of required competence This will call for a health statistics Section at the district level

The separation of the M C H Services with family planning as a component at all levels will be a step towards a system of health services which would be reasonably accessible to women and children for preventive, diagnostic and supportive treatment, no matter at which point or stage the patient enters the system

5 We recommend the abolition of the present practice of providing financial incentives to promoters of family planning

6 We also recommend that incentives to women who accept family planning should be in the shape of a token or certificate to ensure them higher priority in health care facilities for both the mothers and their children Such a step will promote greater acceptance of family planning and correct the social attitude towards these practices Compensation for loss of wages during sterilisation operations should however be paid to daily wage earners Others should be given paid leave for this purpose

7 The qualifications prescribed for recruitment of personnel for these services in rural areas need to be gradually raised Until women of requisite higher qualification are available the present requirements may continue, but they should be reviewed and progressively increased after every 3 years Attempts should also be made to obtain the services of older and mature women for these services in the rural areas

8 We further recommend the promotion of research in the field of female disorders e g puerperal psychosis and the ill effects of family planning methods, on their health

9 We disapprove the denial of maternity benefits to women in government service aft three children, as adopted by some State Governments, and recommend rescinding of su orders

10 We also recommend that mass campaigns for family planning should also ain correct prevailing social attitudes regarding fertility and metabolic hereditary disorders, the sex of the child for which the woman is generally blamed Correct information in matters would go a long way to improve the status of women

8 178 B Welfare and Development

1 Any programme for women's welfare and development must have an int approach In order to prevent any ambiguity in the understanding of what co women's welfare and to prevent the development of policies that sometimes go ag basic objective *we recommend that the Government of India should evolve a National women s development in the light of the Constitutional Directives and pledges made to of this country and to the international community from time to time*

We also feel that in the absence of a general policy for social development sections of society tend to receive inadequate attention Economic development ha contributed to elimination of social inequalities, but has also aggravated them a policy for social development would clarify matters, and provide a frame of ent of governmental and voluntary effort in these fields

2. In view of the need to maintain links between governmental and voluntary and community effort for promotion of women's welfare, and to assist the process of government planning with actual knowledge and experience of the problems and needs of women at different levels.

We recommend :

(a) Reorganisation of the Central Social Welfare Board as a statutory and autonomous specialized agency for planning, co-ordination and management of welfare and development programmes for women and children.

(b) Reorganisation of the State Social Welfare (Advisory) Boards as statutory autonomous agencies at the State level with similar functions. In addition, the State Boards may also serve as links between the Central agency, the State Government and the local bodies.

CHAPTER IX

THE ROLE AND INFLUENCE OF THE MASS MEDIA ON THE STATUS OF WOMEN.

We have seen that religious tradition as well as some features inherent in the social ture have perpetuated certain stereotypes and myths about women Although their ies and merits have at times been extolled the principal social role assigned to a woman ssentially one subordinate to man The social norms attitudes and values sustained by h stereotypes are deeply entrenched To eradicate them would need determined and posive effort Education and the mass media of communication could be important in nging about changes in attitudes, but both have limitations Like education, mass mmunication is a necessary but not sufficient condition of change

2 The role and influence of the mass media on the status of women can be considered om the following angles :—

(a) a content analysis of the media and their treatment of women ,

(b) the influence of the media on their audience ,

(c) the influence of the media on women themselves

9 3 Studies have revealed that the mass media have made and can make a great impact on social change Changes in a society s attitudes are the result of historical growth, the gradual spread of education the work of social reformers and charismatic leaders and so on However, modernising societies have come to rely increasingly on the mass media for spreading messages

The media provide information and guidance and create awareness They can assist changes in attitude by reinforcing ideas and providing real or ideal models or behaviour and can raise aspirations for better standards of living The media can thus contribute towards the development of skills, tastes and images current in a society

9 4 The content of communication at any given time reflect the pattern of values of a society The way subjects dealing with women are treated indicates to a great extent the prevailing attitudes of that society towards its women This could work both ways, to improve, or lower women's status in the society by introducing new, or reinterpreting old ideas

9 5 In any country, women who are half the total population are often half the audience The success or failure of development plans, in education, family planning, community development, health and nutrition depends upon the involvement and participation of women Our investigation shows that compared to men, women are underprivileged in many ways and suffer from serious disabilities Since formal education is a costly and a long term process, it is essential to harness the mass media for the eradication of illiteracy and to speed up the spread of basic education among women and girls The National Council for Women's Education emphasised the potential significance of the mass media to generate public opinion in rural areas in favour of girls education The Family Planning Programme is making intensive use of the mass media to inform and create awareness among the people

9 6 Incidental studies on the impact of mass media indicate, however, that women s exposure to the media is often very inadequate, and unsatisfactory It appears that the mass media has not been an effective instrument to inform and prepare women to play their new roles in society The Committee's investigations indicate a general lack of awareness about rights, problems, opportunities and responsibilities among both men and women Since the Government controls a significant section of the mass media, it should set the pace May be there is little that the private sector can be forced to do, but there is need for pressure groups within society itself to spearhead changes in the role of the media

9.7 A proper assessment of the present role of the media in regard to the status of women will require detailed surveys and studies. Due to the want of empirical data, our comments on the influence of the mass communication media on the status of women is based mainly on expert comments and views, and discussions with individuals in various walks of life.

9.8 The most significant factor in mass communication is that in India, where 80% of the total population is still rural, the mass media is concentrated in urban areas and emanates from there. The themes are mainly urban and are concerned largely with the educated elite. The communicators themselves are from the urban areas. Starting with the Press, which has a powerful role to play in moulding public opinion, almost all the newspapers are published from the major cities and towns and give emphasis to political and urban news.

Role of the Press

9.9 The serious press in India has by and large not degraded the status of women. News items highlighting the role of women have been publicised whenever possible. Some noteworthy achievements by women in different fields appear in daily newspapers from time to time and the major dailies and almost all the Indian language dailies carry a weekly women's section. A content analysis of this section would be needed before any comment can be made on the subject matter of the sections and their views on the role and status of women.

9.10 A citizen should be able to appeal against misuse of his or her name by the press. For instance, in report about rape, abduction or other such incidents, the press should not mention the name of the girl, or of her relatives. The press is supposed to exercise restraint and not publicise news which may affect a woman's reputation.

9.11 Recently there has been some protest against the use of the female figure in advertising. As far as the press in India is concerned, the revenue from advertisement sustains a large number of dailies. The discretion, if any, in the selection or rejection of advertisements is exercised by the owner or staff of a paper and could be heavily influenced by financial considerations and not the subject matter of the advertisement. The present tendency of advertising agencies to over-emphasise the female form has resulted in number of complaints to the Press council of India about exploitation of sex in advertisements.

9.12 Among the powers and functions of the Press Council, the following two have a bearing on the status of women:

(a) To build up a code of conduct for newspapers, news agencies and journalists in accordance with high professional standards.

(b) To ensure the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship.

9.13 An examination of the complaints made to the Council during 1972-73 showed that there were quite a few from individuals complaining against the photographs of female figures in advertisement and otherwise.

9.14 It is interesting to note that out of a total of 103 complaints made to it in 1972, the Press Council considered 24 complaints about objectionable writing. Of these 9 dealt with obscenity. One ruling about the publication by Blitz of two photographs of women said that, as they served no purpose, "they could easily have been avoided by the Blitz, which was a serious paper." A number of other complaints dealt with undue exposure of the female figure in advertisements and film journals.

9.15 The debate on the use of the female figure in advertisement continues unresolved. While the Board of Advertisers are supposed to maintain high standards, it is the responsibility of the general public and particularly women's organisations to complain or protest against obscenity. The Press Council has already given a ruling on this subject and until there is a more vigilant watch on advertisements, hoardings and posters, the present stress on near nudity and sex to sell goods and attract cinema audiences may continue. It is commonly complained that cinema advertisements tend to use for display scenes cut out by the censors.

9.16 On a complaint that a soap advertisement was exploiting sex, the Press Council observed that such complaints reflect the confusion in values and attitudes prevailing in our

, because the woman in the picture was not less modestly dressed than several modern
one might see in the streets, at parties and at shoping centres On saying this, the
il was not oblivious of the fact that many women appeared in public fully clad, without
ing anything below the neck, or above the ankle, with blouses upto the elbow How-
the norms of dress followed by a large number of other respectable women might not
ure upto the requirements of the puritan

The Council had this group in mind when it referred to the dress of the modern
nen, since in judging contemporary society it had also to consider the mores prevalent
ong this section They were an integral part of Indian Society, and "signified the contem-
rary ethos"

18 Referring to this controversy in the foreword to the Seventh Annual Report, 1972,
e Chairman of the Press Council observed "The next aspect of journalistic propriety
wish to refer to is the increasing number of papers resorting to the publication
f barely clothed female figures These appear in advertisements and are sometimes published
even when they seem to serve no apparent purpose This criticism copied from the other
societies which are more permissive, hardly, if I may say so, fits in with our culture"
While the Press Council can fulfil a watch dog function it cannot lay down any positive
guidelines to form new attitudes towards role of women

Role of Radio

9 19 By its reach and impact the radio provides the most powerful mass communication
It is specially important as a medium of information and education in a vast country like
India where the coverage of the press is not extensive All India Radio operates under the
administrative control of the Ministry of Information and Broadcasting and is the sole
broadcasting organisation in the country Its special women s programmes are broadcast
regularly from all stations of the AIR, at least twice a week In 1971, women's programmes
occupied a total of 3,729 hours and 06 minutes, i e , 1 5% of the total broadcasting time and
in 1972, they took 3,746 hours i e 1 4% Special broadcasts are also put out by the Farms
and House units of AIR for rural women These programmes specially meant for rural
women, provide education and entertainment and are broadcast in the regional languages
at a time most convenient for women to listen In each State, women s welfare organisations
of the State Governments organise listening clubs with follow up discussions in the mahila
mandals Two mass communication researchers, Mathur and Neurath who studied
village radio broadcast in India found that such broadcasts had effect where listening clubs
were organised and suggestions were followed [1]

9 20 Nutrition is a subject of recent interest to wives and mothers in villages and towns
UNICEF have provided 5,000 transistor sets to enable mahila mandals to listen to programmes
about nutrition Women also participate in broadcasts of cultural and entertainment
programmes Programmes for women range from 30 to 45 minutes twice or thrice a week
Discussions and talks on the topics of interest to women are also included

9 21 Under the commercial services of AIR, started in May, 1970, radio programmes are
used for advertising A code of conduct guides the staff and advertisers and ensures that
commercial programmes are not only in good taste, but also in conformity with the national
interest and with public welfare The Family Planning Units of AIR plan and produce family
planning programmes for rural areas industrial workers, women and youth, projecting a
broad based social movement closely linked with maternity and child health and nutrition [2]
While the Government of India has laid stress on family planning instruction national
integration, nutrition new agriculture practices, just how much has been achieved in a
positive way to emphasise the new role of women in present day society remains unsure
The Audience Research Unit might be able to provide some feedback It is important to
study the existing programmes and their impact which may indicate gaps in programme
content and coverage and indicate guidelines for future women's programmes It is impor
tant to remember that with the high percentage of illiteracy, higher among females, rad
is the medium with a vast potential for educating the illiterate An administrator with lo
experience of work in the AIR said at the Asian Region Seminar for the Internation
Alliance of Women New Delhi in November, 1973 that, "Village housewives have be

1 J C Mathur & P Neurath, An Indian Experiment in Farm Radio—1959 - UNESCO uoted in
munication and Political Development by Lucien Pye—page 247
2 Ind a, 1974—A Reference Annual—Ministry of Information & Broadcasting

badly neglected. AIR's programmes for women are for the urban middle class women and have no relevance to the working women in the village. Programmes on family planning have to be directed to peasant women, along with programmes on hygiene, nutrition, etc., through those in the village whose voice can command respect.[3]

Role of Television

9.22 The development of television as a mdium of mass communication is still at a pioneering stage. Apart from the Delhi Television Centre set up in September, 1959, television facilities have recently been extended to Bombay and Amritsar and will also start functioning in Calcutta, Madras, Jullundur and Lucknow with relay centres at Poona, Bhatinda, Kanpur, Karnal, and Mussoorie.[4]

Two relay centres to be set up in Calcutta will serve Kharagpur and Durgapur/Asansol areas.[5]

9.23 Apart from special educatioanl and farm programmes, the television service from Delhi provides a varied programme mix to viewers including programmes for women and children. Few specialised programmes so far have been aimed at popularising better agricultural practices under the 'Krishi Darshan' programme. The total duration of the transmission is more than three and a half hours daily apart from the school television broadcasts.

9.24 The weekly women's programmes include discussions about social problems, but the typical programme is likely to contain subjects of interests to house-wives only. An assessment of the number of these women's programmes and their impact will have to be made before ways and means of utilising this medium can be recommended.

Role of Literature

9.25 In the early part of this century, a large number of books of fiction were written. The aim of authors like Rabindranath Tagore, Sarat Chandra, Prem Chand and others was definitely social reform. They dealt with a number of social problems affecting the status of women and attempted to portray even prostitutes in a sympathetic light. A cursory glance at popular book stalls of fiction which is voraciously consumed by college students and others these days, however, shows a depressing lack of taste. In adherence to the western trend of sex and violence, modernity in Indian fiction seems to mean imitation of western themes. While a few playwrights have attempted to highlight social and economic problems, their books are still not best sellers. Romance and pornographic literature is still popular, perhaps because it is cheaper in price and readily available. Gandhiji criticised distasteful descriptions of the female from in popular fiction and condemned writers for dwelling on them with the "sickly sentimentality". Political leaders have also from time to time expressed their views on the new role of women in a developing society but these have not been adequately publicised. The Publications Division of the Ministry of Information and Broadcasting has brought out a few books on women of India.

Role of Youth Magazines

9.26 There are a number of recent publications of magazines aimed at youth. A brief examination of typical youth magazines shows that they do not provide much food for thought. They imitate their western counterparts and the emphasis is on fashion, music, films and sex. It remains to be assessed what that impact of such magazines may be on the minds of impressionable boys and girls and whether they are, in any way, preparing the future generation for accepting the new role women are expected to play in society.

Role of Films

9.27 Film experts a tremendous influence on the audience because of its vivid and powerful impact. All cultural media like theatre, art, architecture and films project a pattern of moral values as well as reflect established patterns. The influence of these media on social values and modes of behaviour is thus a two-way process.[6] The Cinema makes a

---

3. Masani, Mehra "The Role of Communication in Changing Attitudes International", All iance of Women, Asian Regional Seminar November, 1973.
4. India, 1973, Reference Division, Ministry of Information and Broadcasting, pages 132-133.
5. India, 1974—page 114.
6. Mayor, J. P., Sociology of Film.

wider and deeper impact because in the modern industrial and mechanized State, nema is more easily available.

India is one of the largest producers of films in the world In 1971, India produced feature[7] films and 414 in 1973 Out of these respectively 146 and 134 films were produced Bombay, 250 and 243 in Madras and 37 in both years in Calcutta The Film Division of the inistry of Information and Broadcasting, produces a large number of news and documentary ms annually The Division has produced more than 3,000 films in the last 25 years Most f the films are in English and 14 regional languages In 1971-72, Films Division produced 0 documentary films through its own units and 23 through outside producers In addition, 65 newsreels and 43 documentary films were produced by State Governments These figures indicate the enormous scope of the film industry in India[8] An interesting fact is that out of the total number of feature films produced, as many as 283 in 1971 and 273 in 1972, were on social themes, the next highest category being crime films, which have shown a steady increase since 1961 when 30 crime films were produced as compared to 82 for 1972[9]

9 29 The Government appointed an Enquiry Committee on Films Censorship in April 1968 to enquire into the working of the existing procedure for certification of films for public exhibition in India The Cinematograph (Second Amendment) Bill 1973, was prepared after taking into consideration the recommendations of the Committee The report highlights the attitude of the film maker and film goers The average Indian film goer is well aware of what usual themes in the films are likely to be and the box office usually demands a star-cast and dances and night club scenes, though not all witnesses and members of the Committee agreed with this observation The content of the bulk of Indian movies is sex and crime and "they follow the base motive of the lower type of American movies with inartistic plots, vulgar dances and songs and dialogues in a disgusting tone Even the titles of the films are objectionable and the posters which advertise them are improper and vulgar ' [10] The sole aim of the film industry is to make money The Vice President of the South Indian Film Chamber commented, "The Chamber did not award any prizes for films of outstanding merits, nor did it discourage the production of low quality and vulgar films The aim of the Chamber was solely to protect the industry "[11] A film critic and social worker said that he knew instances of some girls who had deviated from the path of moral rectitude on seeing excessively erotic films A lady member of an examining panel thought that producers should come to some kind of mutual agreement not to project on screen scantily dressed girls and women The general opinion appears to be that there is a rapid increase in the emphasis on sex themes in films The ambivalent attitude of the Indian film producer is illustrated in his projection of the heroine who is supposed to embody all the virtues but is usually immodestly dressed and the hero, who is otherwise a 'good man' behaves in a very vulgar fashion on meeting the heroine The usual Indian film has by and large exploited sex to attract audiences and has degraded the image of the Indian woman

9 30 The cinema exercises a tremendous influence on the juvenile and uneducated mind In 1957, a survey was made covering Greater Bombay, and large number of young persor and adults were questioned[12] The investigators noticed a marked tendency particular among adolescents to imitate patterns of behaviour shown in the films Four types unhealthy influences noted were in habits of living and spending, manners and manneris including fashions in clothes, hair dressing, speech and behaviour towards the opposite and immoral and anti social practices like stealing, prostitution etc

9 31 Another survey conducted by the Indian Institute of Mass Communication for Enquiry Committee on Film Censorship in 1968 69, revealed that out of the total sa nearly 88% were film goer, with youths forming the majority Categories of films pre and generally viewed by women were, (i) Films on family life, (ii) musicals and (ii votional films Girls preferred (i) Western films (ii) musicals and (iii) romantic and films The least preferred films were on contemporary themes Questioned as t

7 India 1973—A Reference Annual, Ministry of Information & Broadcasting, P 140
8 Ibid P 143
9 India 1974—A Reference Annual Ministry of Information & Broad asting (1973 & 1974 123 125
10 Report of the Enquiry Committee on Film Censorship—Ministry of Information and Bro p 75
11 Ibid p 79
Ibid p 70 72

should be the chief aim and purpose of films produced in India, 31.11% of the men said that it should be to educate. 42.40% of the women emphasised the development of social, cultural and religious values in society. 37.65% of the college boys laid emphasis on entertainment[13]. As regards the treatment of sex and love in films and details of reactions to the nude human form in painting or sculpture, 36.60% women regarded it as objectionable and 38.40% as indecent, 34.47% of the college girls regarded it as unobjectionable and 25.88% as aesthetically satisfying. In regard to objectionable and undesirable elements in films, one out of ten adults considered a film undesirable when it dealt with violence, crime and horror, while one in twenty youths said so. Nearly half of the men and one-third of the youths considered films dealing with sex and violence to be undesirable, while seven out of ten women considered such themes as objectionable. 41% of the adult sample and the 36% of the youth sample agreed with the statement that 'sex and violence are the predominant themes of a large number of Indian and foreign films' and that there was a growing tendency to expose the artists' body for either aesthetic purpose or dramatic purpose or merely for commercial exploitation. 71.67% of the men and 36% of the women agreed that this exposure served only commercial exploitation[14]. The study indicated further that 32.90% of the sample did not agree with the statement that the present day film goer will lose interest in Indian films if these did not have cabaret or night club scenes showing scantily dressed girls[15].

9.32 Among the grounds on which a film may be refused a censorship certificate are those involving "indecency and immorality". The Central Board of Film Censorship has headquarters and regional offices which review and censor films. This is one measure of possible control, though there is a great deal of debate as to the extent of control in censorship particularly regarding sex and violence. The legal aspects of film censorships have been discussed in the report of the Enquiry Committee on Film Censorship. Articles 15 Clause 3 and Article 39 (f) which empower the State to make a special provision for women and children and to protect childhood and youth against exploitation, are thought to be wide enough to authorise any law or regulation to protect children and young persons from the influence of certain types of film[16].

9.33 In 1960, the Government of India set up a Film Finance Corporation, which provides loans for films with valid cinematic values, which eschew the box office formula. The Government also gives national awards to films of high ethical and technical standards and of social, educational and cultural value.

9.34 Reviewing the role and influence of the Indian films, it may be observed that in its content and treatment of women, it has laid more emphasis on sex to draw audiences. The stress is on the physical attributes of the heroine. In most social films she is invariably assigned a subordinate status in relation to men in all spheres and thus continues to perpetuate the traditional notion of a woman's inferior status. Very few films have endeavoured to project the new role of women in present day society. These films have not attempted to educate women regarding their rights, duties or responsibilities and have ignored reality. A few film makers have made films on contemporary themes and problems. But even these have not attempted to change traditional or conventional images of women and tend to perpetuate the status quo.

Images of Heroine

9.35 In the earlier thirties, firm themes were largely based on adventure stories or religious mythology with emphasis on a virtuous heroine who remained devoted to her love. During the period between 1939 and 1945, escapist films with light music, stunts, plenty of dances and physical display, made the heroine more a symbol of sex rather than devotion. Elements of crime and adventure were also thrown in.

9.36 This period was followed by revival of interest in moral and social themes and films by younger directors like Raj Kapoor, Guru Dutt, Chetan Anand & others dealt with problems like casteism and prostitution. "The liberal inclusion of love and sex, dance and music and humour as concessions to the requirements of the box office have led to the vulgarisation of serious themes in such films[17]". Love and sex form a dominant theme in most Indian films and 'there is a full quota of amorous sequences'. Women are treated only as an objective of

---

13. Ibid p. 185.
14. Ibid p. 187-188
15. Ibid p. 189
16. Ibid p. 56
17. Saxena, R.N "Indian Films and Image of Women". Paper prepared for the Committee.

x The 'other girl' is a stock character who is responsible for disturbing the development f a love affair between the hero and the heroine and is usually portrayed as a 'vamp' or voman of easy virtue The other stock character is older woman, who may be the mother-in law and she depicts the conflict between the younger and the older generation She is usually of a shrewish temperament Recently, western cinemas have greatly influenced Indian films, particularly in the physical display of love and of the human body especially female Recent Indian films are becoming more sexy, in their content[18]" The bedroom, bathroom, cabaret and rape sequences are a must in box office hits

Need for Agencies for Co ordination Communication and Implementation of Measures to improve the Status of Women

In spite of Constitutional and legal equality, women's status in every sphere of life, remains unequal with persistent disparities Many laws have been passed to remove these disabilities, but they have had little impact Administrative programmes introduced with the object of promoting women's welfare and development have suffered from various handicaps One of the reasons for the lack of sustained effort and attention in this direction has been the absence of any single agency, which could co-ordinate and examine the multiple measures legislative and administrative—initiated by the Government, and provide expert advice on methods of implementation Under present rules of business in the Government, women's affairs are really nobody's concern

The U N Commission on the Status of Women, in its 25th Report, has recommended the establishment of a National Commission or similar bodies "with a mandate to review, evaluate and recommend measures and priorities, to ensure equality between men and women, and the full integration of women in all sectors of national life Wherever possible such bodies should be composed of both men and women and include governmental and non governmental representatives Under the Commission or similar body, Sub Commissions or Working Groups could undertake fact finding and comprehensive studies, paying special attention to the needs and problems of women in both rural and urban areas"

We have given careful consideration to this matter and agree on the need for cons titution of agencies of this type at the State and National levels We also believe that it is imperative for such Commissions to have certain recommendatory and mandatory powers as well as statutory, autonomous status if they are to be effective in their functions

We, therefore, recommend the constitution of statutory autonomous Commission at the Centre and the State with the following functions -

(a) *Collection of Information* — legarding all trends in social organisation that eff women's enjoyment and realisation of their basic rights, in order to study and evaluate th ends For this research function, it would be necessary for these Commissions, both at entral and State levels, to have the right to call for information on different matters ducation, employment, health, welfare, political participation impact of social legisl tc from the concerned agencies of the Government It would also be necessary for Commissions to have the right to suggest improved methods for collection of data in di fields

(b) *The evaluation of existing policies programmes and laws that have a bea the status of women with the following powers* —

(i) To censure non-implementation of these measures, and

(ii) To point out lacunae or deficiencies in such measures and suggest ments or improvements

The Commissions' criticisms and suggestions would be made, after due c with relevant Ministries and Departments of Government in the form of report to or the Legislative Assembly They would need to be answered by the Governme within a stated period, in the form of explanations or assurances to Parliament o Legislature

(c) *Recommendations of new laws, policies or programmes* aiming to i Directive Principles of State Policy and the objectives of the U N Resolutions a rding the status of women The Commissions' recommendations in this re

made to Parliament or the Legislative Assembly and Government will be statutorily responsible to consider such recommendations for action or to explain why they cannot be accepted. It may, however, be provided that the Commissions will consult the relevant agencies of Government before making such recommendations.

(d) *Redressal of grievances* in cases of actual violation of existing laws. The Commissions may be empowered to take effective steps to redress the grievances of affected parties.

Composition

In view of the functions visualised for the Commissions, it is important to ensure that their composition should be broadbased, one category being selected for their representative status, from different bodies engaged in problems affecting women in different sectors of society. For this purpose, a panel of names could be invited from leading women's organisations, trade unions, Legislative and Legal Bodies, and employers from both public and private sectors, and a selection made from out of this panel. The second category would need to consist of experts from the fields of law, health, education, social research, planning and administration. The exact number of members cannot be specified at this stage, but the above mentioned categories should be represented. The Commissions will thus be composed of representatives of different categories of organisations and nominated experts. Further powers may be conferred on the Commissions to co-opt one or two members keeping in view the sectors which fail to obtain representation.

The Chairman and the majority of the members of all the Commissions should be women. It would be necessary to appoint non-officials as Chairmen but on a full time basis. The Commissions should also be empowered to appoint their secretariat including the Secretary.

Smt. Urmila Haksar and Smt. Sakina A. Hasan were not in favour of this decision.

2. *We further recommend* the establishment of Special Tribunals for all violations of human rights, discrimination against women, violation or evasion existing laws and policies for the protection of women and their rights in society.

1. Phulrenu Guha
2. Neera Dogra.
3. Leela Dube
4. Urmila Haksar.
5. Sakina A. Hasan
6. Maniben Kara
7. Vikram Mahajan
8. Lakshmi Raghuramaiah
9. Lotika Sarkar
10. Savitri Shyam
11. Vina Mazumdar

New Delhi,
December 31st, 1974.

Chapter VII "Political Status Notes of Dissent"

I do not agree with the first paragraph of the second recommendation regarding the reservation of seats at the level of municipalities in Chapter VII on Political Status for the same reason for which reservation of seats for women in Assemblies and Parliament was not recommended. I feel that women along with men form a part of society. Even if this reservation of separate seats for women is for a transitional period, in my opinion, it will not be of help in increasing women's participation on the whole. There is a possibility that reservation of seats will only help women of a particular class who are already privileged. It should be our aim to see that the masses of women of all classes become equal partners with men in all senses in society. Separate seats will weaken the position of women. They must come up on the strength of their own abilities and not through special provisions. It is only in this way that they will be in a better position vis-a-vis men and will be able to stand on their own as equal partners.

Apart from that, this type of reservation of seats might lead other communities/classes to argue for reservation of seats. This, to my mind, will encourage separatist tendencies and hamper national integration.

I feel very strongly that it is up to the leaders of the country, of all shades of political [illegible]n and particularly women leaders who are already in positions of authority, to endea-[illegible]o see that women in large numbers are given seats and also to encourage women's [illegible]ipation For this, it is absolutely necessary to provide facilities by which women may [illegible]repared to take an active part in different elected bodies and also when elected, to [illegible]tion in a proper manner

In municipalities, if seats are reserved for women, they represent the whole constituency [illegible] not only women I agree that more women's participation in the municipalities and [illegible]al bodies is needed For that, a well thought out system of education for women is to be [illegible]anned and executed.

The sole consideration for selecting a representative must be seen from the viewpoint [illegible]f efficiency as to who can serve the constituency better It is not a question of representa-[illegible]on of men or women At the same time, in any elected body, even if the proportion of [illegible]nen and women is unequal, this does not prevent the elected body from functioning effectively [illegible]or efficiently and also representing the entire society.

Women are an integral part of society The provision of reservation of seats for women in municipalities will only serve to reinforce the separate identity of women rather than promote their representation and integration with the rest of society.

Phulrenu Guha

New Delhi
31st Dec, 1974

Chapter VII "Political Status Note of Dissent"

I am generally opposed to the system of reservation of seats in Legislatures and other elected Bodies It has no meaning, particularly in the case of women who constitute at least fifty percent of the population They have little representation in elected bodies, but giving them a nominal representation through reservation will not help them It may even obstruct their progress as it may lead to complacency Larger representation of women is essential in their own interest as well as in the interest of the society, but they should secure it by awakening women to their rights and responsibilities, and by creating public opinion in its favour Efforts in that direction, along with education to equip women to shoulder and discharge public responsibilities will prove of greater benefit to them than a few more seats secured through reservation

Maniben Kara

Note of dissent

By

Lotika Sarkar and Vina Mazumdar

As members of the pre-Independence generation, we have always been firm [illegible] in equal rights for women For us the recognition of this principle in the Constitution heralded the beginning of a new era for the women of this country As we have never been supporters of special representation or class representation in any form, in [illegible] discus-sions we had often criticised the system of reservations for Scheduled Castes and Scheduled Tribes, as a legacy of the colonial period which institutionalised the backward[illegible] of certain sections of our population

When we started out on this investigation, it had not even occurred [illegible] opinion of the people about the system of representation provided in the [illegible] us, it was a settled fact, embodying a principle of a democracy in [illegible] considered This is why we never thought of including a [illegible] questionnaire, nor did we think of asking this question of the [illegible] during our early tours Only when the problem kept being [illegible] various groups of women in the course of our discussions du[illegible] like this was real and very much in existence The Comm[illegible] problem and our Report has presented both sides of the [illegible][1]

1 Chapter 7—paras 7 105 to 7 120

We regret our inability to agree with the Committee on the decision that was taken. While we, too, feel that our investigation and examination of this question was not adequate to recommend a major change in our system of representation, we consider that it would not be proper for us to turn our back on the pressing reality of the problem. A political system cannot be based on ideology alone but must keep in touch with the actualities of the social situation and so adjust its operation as to achieve the desired goals of the society. The mechanics of a system, if they do not grapple with the needs of a society, can defeat the ultimate objective in the long run. It is for this reason that we are compelled to dissent from the Committee's decision on this point.

Our reasons for dissenting on this matter are consistent with the findings that run throughout the Report, that despite progressive legal changes, the actual condition of life of the mass of Indian women has not changed much. The continuing under-representation of women prevents their proper participation in the decision making process in the country. The success of a few in reaching positions of power and dignity may, to the uninformed eye, suggest the existence of full opportunities for such participation, but we have shown that this is far from so in the political process or in economic activity, in education and in general social status. The number of women elected to Parliament constitute less than 5% of the members. The proportion of women in the pre-Independence Central Legislature (elected under the Government of India Act 1935) was 3.4%. The infinitesimal gain of 1.6% in proportion over a quarter century (and the pattern has been a zig zag one), when taken with the decline in the absolute number of representatives during the last ten years, is a sufficient indicator of the reluctance of our society to accept the principle of equal representation for women.

The second problem in a way stems from the inadequate representation of women in these bodies. The basic principle underlying universal franchise is the need to involve all classes and sections of the population in the process of decision making so that the policy reflects the problems, need, and aspiration of the whole of society, and not of a limited group. Every democracy has to pass through this phase, when a limited group of persons, small in number as well as narrow in their class composition, acts as the voice of the people. The institution of universal franchise, in the course of its functioning, should gradually expand the representative base of this group and alter its class composition. As Professor Sirsikar[2] points out, this is already happening in the case of the male legislators in this country within the short period since Independence. In the case of the women, however, the story is quite different. More than 1/3rd of the women in Parliament belong to professional groups which means the urban middle class. Most of these members are college educated, and a fair number have overseas education as well. Quite a few of the women legislators in the States, as well as the Centre, belong to royal or zamindari families or have 'agricultural interests' arising out of landed property. As compared to their male counterparts, the background of the women legislators is considerably narrower and represents mainly the dominant upper strata of our society.

Their restricted origin apart, Indian women legislators suffer from other inadequacies. A considerable number of them, as we were informed again and again, have not worked their way up in the political system from actual work among the people, but have been drafted into the system at different levels because of their contacts with persons in positions of power and influence. Our discussions with some individual members of this group revealed that they lacked enough awareness and understanding of the basic problems affecting the majority of women in our society. We were also told repeatedly that women members in the legislative bodies have not displayed adequate alertness and initiative in posing these problems before the Government, the legislatures of the people of this country. To cite a few examples, it is a regrettable fact, that in spite of the Law Commission's recommendations (15th Report of the Commission 1960) regarding the reforms needed in the Christian Law of Marriage and Divorce to ameliorate the disabilities of Christian women, the Bill was shelved without any dissenting voice from among the women Members of Parliament[3]. In the case of another recommendation of the Law Commission (41st Report—1969), regarding reforms in the Criminal Procedure Code, to end the claim for maintenance to divorced wives, the law was passed, after specifically excluding Muslim women from this category. In this case too, the women members of Parliament failed to register any protest against this injustice to a large section of women in our society[4].

2. Op. cit vide Chapter VII
3. Vide Chapter 4 paras 4.104
4. Ibid para 4.148

In voicing our criticism we would not like it to be thought that we are merely condemn-
thout understanding the difficulties under which our women legislators have to function
have pointed out, their small numbers and their dependence on the support of their
cal parties, which are all dominated by men, have aggravated their inhibitions and
nesses in asserting righteous but unpopular causes Most of us have had to experience
tremendous force of these inhibitions bred by cultural values over generations It is far
er for a woman to be outspoken when she is backed by a large group, than when she has
stand alone We have also seen the courage with which some women have taken up the
dgels in defence of some unpopular causes, and the degree of social pressure, character
sassination and social ostracism that they have had to face for such action They deserve the
dmiration of the womenfolk of this country, but unless we can enlarge their ranks, it is our
irm belief that the social revolution that Gandhiji had expected to be the end result of
women's participation in the 'political deliberations of the nation' will not be achieved

The reasons given by our colleagues for rejecting the demand for reservation in the legislatures evade, in our opinion, the real issues and are based on an ideological principle which does not take into consideration the needs of women in present day India No one who has studied the history of the last 200 years would deny the signal contribution made by distinguished men to the women's cause The greatest of them, however, always observed that the real cause of women's low status in this country lay 'in men's interested teaching' and in women's acceptance of them To believe that these champions of women's cause reflected the thinking of the majority of men in this country would be a travesty of history If that had been the case, they would not have had to face the kind of social opposition that was unleashed on them at every step It is certainly not expected that women alone will represent women, or progressive measures in their favour, just as men also do not do so The fact that some men have managed to stand out in defence of women's rights shows that, with more women actively participating in the political process there will be more spokesmen with actual knowledge of women's problems Larger numbers will also help to break the somewhat exclusive class composition of this group

About the argument that the system of special representation might precipitate fissiparous tendencies, we cannot do better than quote Professor Sirsikar's answer Anticipating this criticism, he observed "women are not marginal to society as the minority group might be They are not a dispensable part of the society—they are as essential as men for the very sustenance of the society" A system of reservation for women "would not create what is feared by the critics, isolated pockets this may make exacting demands on women but would motivate women to come forth to shoulder these responsibilities [5]"

When one applies the principle of democracy to a society characterised by tremendous inequalities, such special protections are only spearheads to pierce through the barriers of inequality An unattainable goal is as meaningless as a right that cannot be exercised Equality of opportunities cannot be achieved in the face of the tremendous disabilities and obstacles which the social system imposes on all those sections whom traditional India treated as second class or even third class citizens Our investigations have proved that the application of the theoretical principle of equality in the context of unequal situations only intensifies inequalities, because equality in such situations merely means privileges for those who have them already and not for those who need them

Our colleagues did appreciate the reality of the problem of under-representation and the failure of the large majority of women to overcome social resistance to asserting their political and legal rights This is implicit in the recommendations for the constitution o
men's panchayats and for the reservation of seats for women in municipalities We regre
at they could not agree to the logical extension of the same principle to legislative bodie
'e have been compelled to explain our decision at considerable length because we feel th
ie problem that we have posed requires careful consideration by all who strive for
qalitarian and a just society

Lotika Sarkar

Vina Mazumdar

December 31st, 1974

5 Op Cit

SUMMARY OF RECOMMENDATIONS

apter III—The Socio-Cultural Setting of Women's Status

The review of the disabilities and constraints on women, which stem from socio-ltural institutions, indicates that the majority of women are still very far from enjoying the ghts and opportunities guaranteed to them by the Constitution. Society has not yet succeeded n framing the required norms or institutions to enable women to fulfil the multiple roles that hey are expected to play in India today. On the other hand, the increasing incidence of practices like dowry indicate a further lowering of the status of women. They also indicate a process of regression from some of the norms developed during the Freedom Movement. We have been perturbed by the finding of the content analysis of periodicals in the regional languages, that concern for women and their problems which received an impetus during the Freedom Movement, has suffered a decline in the last two decades. The social laws, that sought to mitigate the problems of women in their family life have remained unknown to a large mass of women in this country, who are as ignorant of their legal rights today as they were before independence (3 362)

1 We realise that changes in social attitudes and institutions cannot be brought about very rapidly. It is, however, necessary to accelerate this process of change by deliberate and planned efforts. Responsibility for this acceleration has to be shared by the State and the community, particularly that section of the community which believes in the equality of women. We, therefore, urge that community organisations particularly women's organisations should mobilise public opinion and strengthen social efforts against oppressive institutions like polygamy, dowry, ostentatious expenditure on wedding and child marriage, and mount a campaign for the dissemination of information about the legal rights of women to increase their awareness. This is a joint responsibility which has to be shared by community organisations, legislators who have helped to frame these laws and the Government which is responsible for implementing them (3 36)

Chapter IV—Women and the Law

2 **Eradication of Polygamy in Muslim Law**

Full equality of sexes can hardly be possible in a legal system which permits polygamy and a social system which tolerates it (4 13). The only personal law, which has remained impervious to the changing trend from polygamy to monogamy is Muslim Law (4 14).

The solution of standard contracts fails to provide a substantive relief to the first wife with children. As the second marriage is not invalidated the position of the husband is not prejudicially affected but for the financial implications arising out of the step. The deterrance of the criminal sanction when a person intends to contract a second marriage is absent. Further, it is ineffective in cases of fake conversions to Islam from other religions, to circumvent the prohibition against bigamy. The remedy is out of step with the position in the other personal laws in India and should be rejected (4 20)

While the desirability of reform in Muslim Law is generally acknowledged, the Government has taken no steps towards changing the law for over two decades on the view that public opinion in the Muslim community did not favour a change. This view cannot be reconciled with the declaration of equality and social justice. We are of the opinion that ignoring the interest of Muslim women is a denial of social justice. The right of equality like the right of free speech is an individual right (4 26)

2 We are of the firm view that there can be no compromise on the basic policy monogamy being the rule for all communities in India. Any compromise in this regard w only perpetuate the existing in equalities in the status of women (4 30)

3 **Enforcement of Provision Against Bigamy under Hindu Marriage Act**

a) In our opinion the right to initiate prosecution for bigamy should be extende persons other than the girls family with prior permission of the Court to prevent the cur

for divorce as provided in the Special Marriage Act be adopted for this community also (4.108).

General :

(g) In our opinion conversion should not be a ground for divorce as it offers an easy way of avoiding matrimonial obligations (4.111)

(h) We recommend that mutual consent as a ground for divorce should be recognised in all the personal laws so that two adults whose marriage has, in fact, broken down can get it dissolved honourably (4.112).

(i) The provision in the Parsee Marriage and Divorce Act which enables the wife to obtain a divorce if her husband has compelled her to prostitution should be included in all other personal laws (4.113).

(j) As a general principle, we recommend parity of rights regarding grounds for divorce for both husband and wife (4.114).

9. Adoption :

(a) We recommend that the right of adoption should be equal for husband and wife, with the consent of the other spouse (4.125).

(b) We welcome the step taken by the Government in introducing a uniform and secular law of adoption. The adoption of Children Bill 1972 and recommend an early enactment of the Bill as it will extend the right of adoption equally to men and women of all communities, and will be a step towards a uniform secular law (4.129).

10. Guardianship :

We recommend :—

(a) that the control over the person and property of a minor cannot be separated and should vest in the same person;

(b) that the question of guardianship should be determined entirely from the point of view of the child's interest and not the prior right of either parent;

(c) that the parent who does not have guardianship should have access to the child;

(d) that whatever the decision taken earlier, the child's choice of guardian should be obtained when the child reaches the age of 12 (4.143).

(e) We support the recommendations of the U.N. Commission on the Status of Women as follows :—

(i) 'Women shall have equal rights and duties with men in respect to guardianship of their minor children and the exercise of parental authority over them, including care, custody, education and maintenance;

(ii) 'Both spouses shall have equal rights and duties with regard to the administration of the property of their minor children, with the legal limitations necessary to ensure as far as possible that it is administered in the interest of the children;

(iii) The interest of the children shall be the paramount consideration in proceedings custody of children in the event of divorce, annulment of marriages or judicial separation;

(iv) No discrimination shall be made between men and women with regard to decisions regarding custody of children and guardianship or other parental rights in the event of divorce, annulment of marriage or judicial separation (4.144).

11. Maintenance :

The provision for maint enance in the Criminal Procedure Code contiune to reflect the old attitude to women. With some modifications like extending the rights to demand maintenance to indigent parents and to divorced wives, the obligation to maintain continues to be that of the man. There are today women economically independent who cannot only look after themselves but also their husbands and children (4.147).

(a) As we believe in the equal status of husband and wife, and of son and daughter, we recommend amendment of the law of maintenance to provide for the obligation of the economically independent women :—

(i) to maintain her dependent husband;

(ii) to share with him the duty to maintain their children;

(iii) to share with her brothers the duty to maintain their indigent parents (4 148)

(b) The underlying principle for the [illegible] maintenance in the Crimi- [illegible] The ceiling of Rs 500/- [illegible] persons seems unjustified (4 148)

In extending the right of maintenance to divorced wives, an exception has been introduced to deny maintenance to those divorced wives who have received 'a sum of money payable under customary or personal law This exclusion of *all* divorced Muslim women defeats the purpose of the section to provide a speedy remedy to indigent women (4 149)

We therefore recommend that the ceiling placed on the maximum amount payable as maintenance should be removed and the term 'wife to include divorced wife be made applicable to all women without any exception (4 150)

(c) Under Muslim law the wife's right to maintenance lasts only as long as she remains a wife If she is divorced she loses her right and is only entitled to maintenance for 3 months This has created a discrimination between the Muslim and other Indian women We recommend the removal of this discrimination and extension of right of maintenance to divorced wives (4 155)

(d) In order to minimise the hardship caused by non-payment of maintenance, and to ensure certainty of payment, we recommend that all maintenance orders should be deducted at the source by the employer as done in the case of income-tax Where it is not possible to deduct at the source, as in the case of a business man or a self-employed person, the arrears of maintenance should be recovered as 'arrears of land revenue or by distress' (4 159)

(e) An additional mode of execution of the maintenance degree may be to adopt the same procedure as is done in the case of fines under the Criminal Procedure Code (4.160).

12. Inheritance

(a) The Indian Succession Act confers no restrictions on the power of a person to will away his property Therefore, the protection enjoyed by a Muslim widow to a share of the estate and by a Hindu widow to be maintained is denied to other widows under this law There is a need to incorporate some restriction on the right of testation, similar to that prevailing under Muslim law to prevent a widow from being left completely destitute (4 165)

(b) A characteristic feature of the Travancore and Cochin Christian Succession Laws is the discrimination against women (4 167) We recommend that immediate legislative measures be taken to bring Christian women of Kerala under the Indian Succession Act as a first step to unify the law (4 173)

(c) According to the law prevailing in Goa, the widow is relegated to the fourth position and is entitled to only the fruits and agricultural commodities This needs to be remedied immediately (4 177) Similar anomalies prevail in the succession laws governing Christians of Pondicherry which relegate a woman to an inferior position and do not regard her as full owner even in the few cases where she can inherit property (4 178) We recommend the extension of the Indian Succession Act to Goa and Pondicherry (4 178)

(d) The one major factor which helps to continue the inequality between sons and daughters under Hindu law [illegible] confined only to [illegible] made inroads in [illegible] f a co-parcenary but perpetuate [illegible] of a co-parcenar to renounce [illegible] y share Secondly, the right to [illegible] ntly used to reduce the share of a female heir (4 189 4 193).

We recommend the abolition of the right by birth and the conversion of the Mitakshara co-parcenary into Dayabhaga (4.194).

(e) Section 4 (2) of the Hindu Succession Act excludes the devolution of tenancy rights under State laws from the scope of the Act. This had led to the elimination of the beneficial effects of the Hindu Succession Act under the land legislation in many States (4.195-200). In order to achieve the social equality of women as also in the interests of uniformity, we recommend the abolition of the exception provided in section 4 (2) of the Hindu Succession Act, relating to devolution of tenancies (4.201).

f) Section 23 of the Hindu Succession Act relating to the right of inheritance to a dwelling house has also resulted in some discrimination between unmarried, widowed and married daughters. The main object of the section is unexceptionable as it asserts the primacy of the rights of the family as against the right of an individual and therefore the restriction against partition which is against the family interest should be retained. But nothing justifies the invidious distinction between married and other daughters (4.204 and 4.205). We recommend the removal of the discrimination between married and unmarried daughters regarding the right over a dwelling house (Sec. 23 Hindu Succession Act).

g) The unrestricted right of testation often results in depriving female heirs of their rights of inheritance (4.206). We recommend that the right of testation should be limited under the Hindu Succession Act, so as not to deprive legal heirs completely (4.207).

h) We recommed legislation in Muslm Law to give an equal share to the widow and the daughter along with sons as has been done in Turkey (4.218).

i) The medley of laws which govern the right of inheritance, not only of female heirs of different communities, but even of female heirs of the same community require immediate measures. Broad principles like equal rights of sons, daughters and widows, a restriction on the right of testation, so that dependent members are not left completely destitute are needed immediately (4.219).

GENERAL RECOMENDATIONS

13. Matrimonial Property : In the socio-economic situation prevailing in our country the contribution of the wife to the family's economy is not recognised. A large number of them participate in the family's effort to earn a livelihood as unpaid family workers. Even when they do not do so the economic value of their effort in running the house, assuming all domestic responsibilities, thus freeing the husband for his avocation is not accepted in law either directly or indirectly. Married women who do not have independent source of income or give up employment after marriage to devote their full time in family obligations are economically dependent on their husbands. In majority of cases, movable and immovable property acquired during marriage are legally owned by the husband, since they are paid for out of his earnings. The principle of determining ownership on the basis of financial contribution works inequitably against women. In case of divorce or separation, women without any earnings or savings of their own are deprived of all property which they acquire jointly. Even property received by them at the time of marriage from the husband or his family is denied to the women in some communities. The fear of financial and social insecurity prevents them from restoring to separation or divorce even when the marriages are unhappy. It is necessary to give legal recognition to the economic value of the contribution made by the wife through house work for purposes of determining ownership of matrimonial property, instead of continuing the archaic test of actual financial contribution (4.222—4.225).

We, therefore, recommend that on divorce or separation the wife should be entitled to at least 1/3 of the assets acquired at the time of and during the marriage (4.226).

14. Family Courts : The statutory law in all matrimonial matters follows the adversary principle for giving relief i.e. the petitioner seeking relief alleges certain facts and the respondent refutes them. In addition, most of the grounds in these statutes are based on the 'fault principle' instead of the breakdown theory. As a result, strong advocacy rather than family welfare is often the determining factor in these cases. The absence of distinction between matrimonial causes and other civil suits leads to unusual delay which stands in the way of conciliation and further embitters the relationship of the parties. Conciliation, which needs to be the main consideration in all family matters is not the guiding principle in the statutes dealing with them (4.227—4.228).

We strongly recommend the abandonment of the established adversary system for [ment] of family problems, and establishment of Family Courts which will adopt concilia[tion] methods and informal procedure, aiming to achieve socially desirable results (4 233)

Uniform Civil Code · The absence of an uniform civil code 27 years after [inde]pendence is an incongruity which cannot be justified with all the emphasis that is placed [on] secularism, science and modernisation The continuance of various personal laws which [disc]riminate between men and women violates the Fundamental Rights and the Preamble to [the] Constitution which promises equality of status to all citizens It is also against the [spi]rit of national integration and secularism (4 236)

Our recommendations regarding amendments of existing laws are only indicators of [t]he direction in which uniformity has to be achieved We recommend expeditious implemen[t]ation of the constitutional directive of Article 44 by the adoption of a uniform Civil Code (4 237)

16 Needed Reforms in Criminal Law

a) *Consent to sexual intercourse* While consent to sexual intercourse is strictly interpreted and excludes consent given by the woman under duress or fraud no provision is made for consent obtained by putting someone else in fear in the presence of the woman We welcome the recommendation of the Law Commission in this regard (4 242)

In our view consent to have sexual intercourse requires more maturity than to have an abortion The same age limit should be applied in both cases We recommend that the age of consent below which a girl s consent to sexual intercourse is not legal should be 18, permitting some degree of flexibility to the court in border line cases to decide whether the girl is mature enough (4 243)

b) Bigamy The present law restricts jurisdiction of the court to the place where the bigamous marriage was performed or where the husband and wife last resided This causes difficulties to the wife who may have to move on after being abandoned by her husband We recommend that in addition to the two jurisdictions under the Criminal Procedure Code provision be made for inquiry and trial for bigamy in a court within whose jurisdiction the wife is residing (4 246)

c) Adultery Adultery in our opinion should be regarded only as a matrimonial offence, the remedy for which may be sought in divorce or separation Retention of this as a criminal offence brings out clearly the values of the last century which regarded the wife as the husband's property It also prevents lawyers and others from giving necessary help to an oppressed wife We recommend that continuing to regard adultery as a criminal offence is against the dignity of an individual and should be removed from the Penal Code (4 248)

17 Nationality

a) In the absence of any provision dealing with the case of Indian women marrying foreigners in the Citizenship Act many of them have become stateless We recommend that the Citizenship Act be amended to provide a special rule for Indian women marrying aliens stating that she will in no case lose her Indian nationality as a result of her marriage to a foreigner (4 256)

b) The present rule prevents the children of such Indian women from being considered as Indian citizens Where the father and mother are separated and the mother is the guardian, there is no justification for the rule that the child s nationality will be transmitted through the father We, therefore, recommend the amendment of section 4(1) of the Citizen[-]ship Act to read as follows —

"A person born outside India on or after the 26th January, 1950, shall be a cit[i]zen of India by descent if his father or mother is a citizen of India at the time [of] his birth' (4 257)

Chapter V—Roles, Rights and Opportunities for Economic Participation

The Indian Constitution guarantees equality of opportunity in matters relatin[g to] employment and directs the State to secure equal rights to an adequate means of liveli[hood,] equal pay for equal work and just and humane conditions of work The impact of tran[sition] to a modern economy has meant the exclusion of an increasing number and proport[ion]

women from active participation in the productive process. A considerable number continue to participate for no return and no recognition. The majority of those who do participate fully or on sufferance, without equal treatment, security of employment or humane conditions of work. A very large number of them are subject to exploitation of various kinds with no protection from society or the State. Legislative and executive actions initiated in this direction have made some impact in the organised sector, where only 6% of working women are employed, but in the vast unorganised sector, which engages 94% of working women in this country, no impact of these measures have been felt on conditions of work, wages or opportunities.

Estimates of employment and under-employment clearly indicate that the position is worse for women. Measures to remove women's disability and handicaps in the field of economic participation have proved extremely inadequate. While serveral factors have handicapped and prevented women's integration into the process of development, the lack of a well defined policy, indicating areas where they require special assistance and protection, leaves them without access to knowledge, skills and employment.

Prejudices regarding women's efficiency, productivity, capacity for skills and suitability debar them from employment in many areas, and result in wage discrimination. The criteria for determining their unsuitability for particular types of jobs are not clear or uniform. Recasting the employment policy for women requires re-examination of existing theories regarding their suitability for different types of work on scientific lines, and deliberate efforts to promote equality of opportunity by special attention to women's disability and handicaps. Our recommendations aim to make the Constitutional guarantees meaningful and arrest the trend towards gradual exclusion of women from their rights to a fuller participation in the economic process.

18. We therefore recommend the adoption of a well defined policy to fulfil the Constitutional directives and Government's long term objective of total involvement of women in national development. Such a policy should be framed by a Government Resolution. This policy will need to be implemented carefully to avoid evasion by direction or indirect methods. Apart from specific occupations from which women are debarred by law, employers should not be permitted to exclude them from any occupation unless the basis for unsuitability is clearly specified.

19. The creation of a cell within the Ministry of Labour and Employment at both Central and State levels under the direction of a Senior Officer to deal with problems of women (5. 323).

We further recommend the following changes in the existing laws :

20. **A Maternity Benefits Act 1961 :**

(i) This Act should be extended to all industries not covered by the Act at present and the provision of maternity relief ensured by the creation of a Central Fund levying contributions from employers. The administration of the Fund shodld follow the pattern already established by the Employees State Insurance Corporation.

(ti) The Act should also cover agricultural labourers in the same manner as suggested for other industries. To facilitate its implementation, the Central Fund should also include a levy on Agricultural Holdings Tax by the Committee on Taxation of Agricultural Wealth and Income.

(iii) The anti-retrenchment clause already included in the Employees State Insurance Act 1948 should be incorporated in the Maternity Benefits Act.

(iv) For women retrenched for short periods and reemployed on the same jobs, the period of unemployment should not be treated as discontinuation of service for their eligibility for this benefit. For casual labour, a minimum of 3 months of service should be considered as qualifying them for this benefit.

(v) As decided by the Supreme Court in the case of bidi workers, the provision of maternity benefits should be extended to home workers in all other industries.

(vi) In order to eliminate unjust denial of maternity benefits, scrutiny of applications should be done by a Committee of the management and trade union representatives. The latter should preferably include a woman. This will provide greater incentive to women workers to participate in trade union activities.

(vii) The penalties for evasion of this law should be made more stringent

(viii) The system of paying cash benefits in a lump sum sometimes gives rise to inadequate attention to the nutritional needs of the mother and the child Payment of maternity benefits should be made periodically (5 324)

21 B Provision of Creches

(i) The present limit of 50 women workers for the application of this provision under the Factories Act should be reduced to 20

(ii) Women employed as casual labour or as contract labour should be entitled to share this benefit

(iii) Wherever there is a demand, a room should be provided for keeping small children for other groups of women workers e g workers in offices, hospitals, shops and commercial establishments

(iv) As far as possible creches should be established near the residence of women workers rather than the place of work The ideal arrangements, in our view, would be neighbourhood creches (5 325)

22 C Working Time

Permission to work up to 10 00 P M should be granted, provided arrangements for transport and security are made

23 We further recommend effective implementation of the Maternity Benefits Act in all States, and the extension of the Employees State Insurance Scheme to those areas which are not covered by it at present (5 326)

24 Equalisation of Wages

We recommend legislative enactment of Article 39(d) of the Constitution—equal pay for equal work—to add the weight of legal sanction to what is only a policy at present

We further recommend incorporation of this principle in the Minimum Wages Act (5 327)

25 Integrated Development of Training and Employment

(i) We recommend reservation of a definite quota for women for training within the industry in order to arrest their retrenchment as a consequence of modernisation

(ii) A similar quota should be reserved for women for training of apprentices under the National Apprentices Act

(iii) We further recommend developing programmes of vocational training in close relationship with industries and resources located in the area Links with possible employing agencies have to be developed from the beginning so that the training does not end in futility

(iv) As recommended by the Committee of the All India Council for Technical Education, Polytechnics for Women should include a production centre with assistance from the Small Scale Industries Departments of the State concerned

(v) Training programmes in production and market organisation to develop self employment should be developed

(vi) Special efforts have to be made to develop vocational training for both illiterate and semi literate women workers

(vii) We further recommend development of training cum production centres in small scale or cottage industries in both rural and urban areas to provide employment to women near their homes (5 328)

26 Part time Employment

We recommend specific provisions for part time employment of women by suitable revisions in recruitment rules and service conditions We also recommend detailed investigation of areas where part time employment could be generated by agencies like the Directorate

General of Employment and training, the Institute of Applied Manpower Research, the National Council of Applied Economic Research, etc. Such studies should include examination of existing avenues for part-time employment viz. in the unorganised industries and occupations (5.329).

27. Employment Information :

We recommend expansion of the national employment service, particularly in rural areas, and the development of a women's cadre in the service to provide employment information and assistance to women (5.330).

28. Provision for Re-entry :

We recommend that provision for special leave without pay, subject to a maximum of 5 years during service, should be made in all occupations, in order to enable women to devote full-time for the care of their family. Their lien should be protected (5.331).

29. Enforcement of Laws Protecting Women Workers :

We recommend increase in the number of women on the inspectorate of different labour departments as well as provision for women welfare officers wherever women are employed (5.332).

30. We Further Recommend :

(i) Steps to organise labour unions in the field of agriculture, and other industries where such organisations do not exist at present.

(ii) Formation of Women's Wings in all trade unions, to look after the problems of women workers and to improve women's participation in trade union activities (5.333).

Chapter VI — Educational Development

Our investigation of the progress of women's education in India reveals that while there has been a tremendous increase in the number of girls receiving formal education in the period after Independence, the gap between the enrolment of boys and girls has continued to increase at all levels and the proportion of girls in the relevant age groups covered by the school system still remains for below the constitutional target of universal education upto the age at 14. Social attitudes to the education of girls range from acceptance of the need to one of the absolute in difference. The reasons for the variation in social attitude and the consequent slow progress of women's education are both social and economic, which are intensified by inadequate facilities and the ambivalent attitude regarding the purpose of educating girls.

In spite of the expansion, the formal system of education now covers only 10% of the total female population. Less than 7% of the 15 to 25 age group and less than 2% of the 25 and above age group have received any formal education. The number of illiterate women has increased from 61 million in 1950—51 to 215 million in 1970-71.

31. The challenge of the widening illiteracy gap will have to be borne in mind in de-termining priorities in educational development in the years to come. The claims of the formal educational system which can cater to the need of only a minority for a long time will have to be balanced against the claims of eradication of illiteracy. This stands out as the most important and imperative need to raise the status of women who are already adults and constitute the largest group (6.53). While the constitutional directive of universal education upto the age of 14 must receive the highest priority in the formal system...... an alternative system has to be designed to provide basic education to adult women, particularly in the 15-25 age group (6.55).

Imbalances in women's education and literacy are the consequences of great disparity of educational progress between rural and urban areas, between different sections of the population and between regions, which reflect, to a great extent, variations in regional attitudes to women (6.57). The influence of these and other sociological factors, which, for instance, influence the low educational development among Muslim women or women of Scheduled Castes and Tribes......make the use of national or state averages in assessing progress of education or literacy rather meaningless (6.61—63).

32. In our opinion, any plan for educational development of women which does not take these imbalances into aceount will contribute to the increase of inequalities between different

...ons of the population Removal of these imbalances will require special attention from ...c authorities based on careful identification of factors responsible for them. Special ...rammes will need to be designed for their removal if equality of educational opportunities ... be brought within the access of the majority of women in this country (6 64)

...commendations Regarding the Formal System

Co-education : In our opinion, the considerations of efficiency, economy as well as equal ...pportunity require the acceptance of coeducation as a long term policy In view of the ...ivergent social attitudes, however, we recommend

(i) co-education should be adopted as the general policy at the primary level,

(ii) at the middle and secondary stages separate schools may be provided in areas where there is a great demand for them But the effort to pursue co education as a general policy at these stages should continue side-by side,

(iii) at the university level co education should be the general policy and opening of new colleges exclusively for girls should be discouraged,

(iv) there should be no ban on admission of girls to boys' institutions,

(v) wherever separate schools/colleges for girls are provided, it has to be ensured that they maintain required standards in regard to the quality of staff, provision of facilities, relevant courses and co curricular activities,

(vi) acceptance of the principle of mixed staff should be made a condition of recognition for mixed schools There is a misgiving, however, that this provision may lead to exclusion of girls from some schools Therefore, it is suggested that this measure may be reviewed a few years after it is implemented,

(vii) wherever there are mixed schools, separate toilet facilities and retiring rooms for girls should be provided (6 72)

34 **Curricula :**—We recommend

(i) There should be a common course of general education for both sexes till the end of class X, all courses being open to boys and girls

(ii) At the primary stage, simple needle craft, music and dancing should be taught to both sexes

(iii) From the middle stage, differences may be permitted under work experience

(iv) In class XI-XII girls should have full opportunity to choose vocational and technical courses according to local conditions, needs and aptitudes

(v) At the university stage there is a need to introduce more relevant and useful courses for all students (6 81)

35 **Pre School Education :**— We recommend

(i) The provision of three years pre-school education for all children by making a special effort to increase the number of 'balwadis' in the rural areas and in urba... slums

(ii) In order to enable them to fulfil the social functions discussed above, an effo... should be made to locate them as near as possible to the primary and mid... schools of the locality (6 85)

36 **Universalisation of Education for the Age-Group 6—14** —We recommend

(i) Provision of primary schools within walking distance from the home of e... child within the next 5 years

(ii) Establishment of ashram or residential schools to serve clusters of villages sca... in difficult terrains Where this is not immediately possible, preparatory s... may be provided for the time being

(iii) Provision of mobile schools for children of nomadic tribes, migrant labour and construction workers.

(iv) Sustained propaganda by all types of persons, preferably women—officials, and non-officials, social and political workers, to bring every girl into school in Class I preferably at the age of 6. They should visit local schools and involve parents and community leaders in order to promote the schooling of girls, particularly in backward areas.

(v) Provision of incentives to prevent drop-outs. Since poverty is the major cause of drop outs the most effective incentive, in our opinion is the provision of mid-day meals. The rate of children passing the primary level has definitely gone up in States which have introduced mid-day meals. In Kerala, which has the highest literacy rate among women, this provision is one of the major factors for the enrolment and retention of children in schools to-day. In reply to our questionnaire, the majority has given highest priority to this incentive. The other important incentives which require to be provided to needy children are free school uniforms, scholarships or stipends and free supply of books and other study material. For girls particularly, the lack of adequate clothing is a great deterrent to attending schools. For schools which do not prescribe any uniform, some provision of clothing is necessary.

(vi) Special incentives for areas where enrolment of girls is low. This will need to be worked out according to local conditions. We suggest special awards or recognition to the community, teachers, students etc.

(vii) At least 50% of teachers at this stage should be women.

(viii) Provision of at least two teachers in all schools, and conversion of the existing single teacher ones as early as possible.

(ix) Developing a system of part-time education for girls who cannot attend school on a fulltime basis. This system should provide education to girls at a time convenient to them.

(x) Adoption of the multiple entry system for girls who could not attend school earlier or had to leave before becoming functionally literate.

(xi) Provision of additional space in schools so that girls can bring their younger brothers and sisters to be looked after, either by the girls themselves in turn, or by some local women (6.87).

(xii) Opening of schools and greater flexibility in admission procedure in middle schools (multiple only), to help girls to complete their schooling (6.88).

37. **Sex Education** :—We recommend :

(i) Introduction of sex education from middle school.

(ii) Appointment of an expert group by the Ministry of Education to prepare graded teaching material on the subject. The group should include some experts on mass media, to advise on the use of films and other mass media for this purpose.

(iii) This material may be used for both formal and non-formal education (6.89).

38. **Secondary Education** :—We recommend :

(i) Free education for all girls up to the end of the secondary stage.

(ii) Improving the quality of teaching and provision of facilities for important subjects like science, mathematics and commerce.

(iii) Introduction of job-oriented work-experience, keeping in view the needs, the resources and the employment potential of the region e.g. courses leading to training as ANM, typing and commercial practice, programmes oriented to industry and simple technology, agriculture and animal husbandry (6.92).

neral Recommendations

(i) Provision of mixed staff in all mixed schools This should be made a condition of recognition

(ii) Adequate provision of common-rooms and separate toiled facilities for girls in all schools

(iii) Adequate arrangements for co curricular activities for girls in all schools

(iv) Provision of more need cum merit scholarships and hostel facilities for girls (6 93)

Higher Education — We recommend

(i) Development of more employment opportunities, particularly of a part time nature, to enable women to participate more in productive activities

Development of employment information and guidance services for women entering higher education Many of them suffer from lack of information regarding job opportunities and regret their choice of subjects when faced by difficulties in obtaining employment (6 96)

41 Non-Formal Education

As stated earlier, the greatest problem in women's education today is to provide some basic education to the overwhelming majority who have remained outside the reach of the formal system because of their age and social responsibilities as well as the literacy gap For the sake of national plans for development, it is imperative to increase the social effective ness of women in the 15—25 age group even if we cannot do so for the still older groups Ad hoc approaches through the adult literacy, functional literacy and other programmes of the Government have proved inadequate They also draw a sharp distinction between men and women in the content of the training These distinctions in our view are out of date Changes in family life, food habits, family planning all require joint efforts of men and women and continuing this kind of artificial division between the sexes may defeat the pur pose of these programmes As for vocational and occupational skills the needs of women are greater than those of men While we do not deny the value of crafts women s need for voca tional training cannot be limited to them The skills differ according to the industrial and market potentials of regions and it is imperative to relate the training to local needs resources and employment possibilities instead of adopting an artificial sex selective approach Ad hoc approaches through a multiplicity of programmes by various governmental agencies will lead to overlapping lack of coordination and wastage of resources The problem is an integrated one and cannot be solved by short term programmes What is needed is a continuous pro cess (6 97—6 101)

No attempt to professionalise this system will lead to development of the limiting, selective and a rigid approach with fixed curricula and class room procedures The prohibitive cost of such professionalisation would inevitably limit its operation to a few selected centres The teachers in a non-formal system must have other skills of direct relevance to the problems of the community Without this kind of community involvement, such programmes will lack stability and continuity (6 104)

The object of the system should be to provide assess to information and use of in formation for better participation in social life with literacy as the core of the package Though primarily meant for adolescents the system should not exclude the young, particu larly those who have been denied any formal education Some of the latter may use it as a stepping stone to enter the formal system if our recommendation regarding multiple entry i accepted (6 105—6 106)

The system will have to be organised through community groups The Panchaya and the Women's Panchayats recommended in Chapter VII would appear to be the id bodies for this purpose Government s role should be limited to providing technical guida and advice and enabling Government functionaries at the local level to participate in programme apart from supportive assistance in the form of literature and reading mate Development of basic libraries in villages and the slum areas of towns is an imperative ne sity for this purpose We therefore recommend concentration of governmental effort on viding this infrastructure (6 107)

42. Equality of Sexes as a Major Value to be Inculcated Through the Educational Process

The educational system is the only institution which can counteract traditional belief in inequality of sexes. The educational system today has not even attempted to undertake this responsibility. The schools reflect and strengthen the traditional prejudices through their curricula, classification of subjects on the basis of sex and the unwritten code of conduct enforced on their pupils. This is one area where a major change is needed in the content and organisation of education. Educators must admit their responsibility and bring about this much needed change in the values of the younger generation (6.108—111).

Chapter VII—Political Status

Though women's participation in the political process has increased, both in elections and in their readiness to express their views on issues directly concerning their day-to-day life, their ability to produce an impact on the political process has been negligible because of the inadequate attention paid to their political education and mobilisation by both political parties and women's organisations. Parties have tended to see women voters as appendages of the males. Among women, the leadership has become diffused and diverse—with sharp contradictions in their regard and concern for the inequalities that affect the status of women in every sphere—social, economic and political. The revolution in status of women for which constitutional equality was to be only the instrument, still remains a very distant objective, while the position of some groups have changed for the better, the large masses of women continue to lack spokesmen in the representative bodies of the State. Though women do not constitute a minority numerically, they are acquiring the features of one by the inequality of class, status and political power. In this sense, the new rights have proved to be only concessional. Our recommendations aim to make women's political rights more functional as required by the needs of a democratic system (7.95—101)

In order to provide greater opportunities to women to actively participate in the decision-making process, it is imperative to recognise the true nature of the social inequalities and disabilities that hamper them. This can best be achieved by providing them with special opportunities for participation in the representative structure of local government*. The present form of associating women in these bodies, through cooption or nomination has become a kind of tokenism. The time has come to move out of this token provision to a more meaningful association of women in local administration, and to counteract the general apathy and indifference of the local bodies to women's development and change of status (7.115-6).

43. Women's Panchayats :

We therefore recommend the establishment of Statutory Women's Panchayats at the village level with autonomy and resources of their own for the management and administration of welfare and development programmes for women and children, as a transitional measure, to break through the traditional attitudes that inhibit most women from articulating their problems are participating actively in the existing local bodies. They should be directly elected by the women of the village and have the right to send representatives to the Panchayat Samaties and/or Zilla Parishads. A viable relationship with the Gram Panchayats should be maintained by making the Chairman and Secretary of both bodies ex-officio members of the other.

44. Reservation on Municipalities ** : At the level of municipalities the principle of reservation of seats for women is already prevalent in certain States. We, therefore, recommend that this should be adopted by all States as a transitional measure. We also recommend the constitution of permanent committees in municipalities, to initiate and supervise programmes for women's welfare and development.

45. Policy for Political Parties : We recommend that political parties should adopt a definite policy regarding the percentage of women candidates to be sponsored by them for elections to Parliament and State Assemblies. While they may initially start with 15%, this should be gradually increased so that in time to come the representation of women in the legislative bodies has some relationship to their position in the total population of the country or the State.

---

* The Committee did not recommend special representation for women in legislative bodies. See Note of Dissent by Smt. Lalita Sarkar and Smt. Vina Mazumdar.

** See Notes of Dissent by Smt. Phulrenu Guha and Smt. Maniben Kare.

Association in Important Bodies We further recommend the inclusion of women l important committees commissions or delegations that are appointed to examine socio omic problems

apter VIII—Policies and Programmes for Women's Welfare and Development

Health and Family Planning

7 Demographic indicators viz female maternal and infant mortality rates and ndicators of access to medical care both reveal an increase in the neglect of female lives as an expendable asset This is the only reasonable explanation for the declining sex ratio obser ved to persist over several decades In our opinion the neglect of maternity and child health services and general public health services through over-concentration on efforts for family planning have contributed to this trend as well as defeated the ultimate objective of the family planning programme We are entirely in agreement with the draft Fifth Five Year Plan that integration of family planning with more positive health services like maternal and child health and nutrition and improvement in the life expectancy of children and mothers will provide a far greater incentive o the adoption of fam ly planning measures than the hither to adopted negative approach While welcoming this proposed integration we wish to offer certain suggestions with regard to its organization at different levels so that the objective of integration is not defeated by organizational separatism (8 117)

We recommend that —

a) The rank of the Chief Executive for the integrated maternity and child health services, including family planning should be upgraded to at least Additinal Commissioner so that this service does not again become subordinate to family planning This procedure should be adopted at all levels of the administration at the Centre and the States

b) A separate budget head for maternity and child health services should be created drawing on the provisions now made for family planning and the general health services It is important to increase the provision for these services to avoid their being neglected as has been trend so far Since programmes for immunisation and nutrition of nfants yields better results when they form a part of general maternity and child health services, we see no difficulty in increasing the allocation for these services

c) At the level of the primary health centres the maternity and child health services should be separated for purposes of administrative provision medical personnel and budget While they may share the same buildings and equipment a separation of the administrative structure required for maternity and child health services will ensure greater priority of treatment Facilities in the way of maternity beds equipment for immunisation of children and family planning for women could be allocated to the MCH Unit The P H C could be made responsible for sterilisation of operations for men alongwith othe general health services The MCH Unit could coordinate the nutrition and immunisatio measures which form a basic component of the integrated child development programm It could also collect and maintain fertility and morbid ty statistics for women a children for better research and evaluation in these fields

We recommend that each M C H centre should collect this data which shoul studied and evaluated at the district level by persons of required competence This wi for a health statistics Section at the district level

d) We recommend the abolition of the present practice of providing fi incentives to promoters of family planning Incentives to women who accept planning should be in the shape of a token or certificate to ensure them greater prio health care facilities for both the mothers and their children Such a step will greater acceptance of family planning and correct social attitudes towards these p Compensation for loss of wages during sterilisation operations should however b daily wage labourers Others should be given paid leave for this purpose

e) The qualifications prescribed for recruitment of personnel for these rural areas need to be gradually raised Until women of requisite higher qualific available the present requirements may continue but they should be reviewed a sively increased after every 3 years Attempts should also be made to obtain the older and mature women for these services in the rural areas

f) We further recommend the promotion of research in the field of fem puerperal psychosis and effects of family planning methods

g) We disapprove the denial of maternity benefits to women in Government service after three children as adopted by some State Governments and recommend rescinding of such orders.

h) We also recommend that mass campaigns for family planning should also aim to correct prevailing social attitudes regarding fertility and metabolic hereditary disorders and the sex of the child for which the woman is generally blamed. Correct information in these matters would go a long way to improve the status of women (8.177).

48. Changes Needed in the Medical Termination of Pregnancy Act :

(a) According to Section 4 (a) of the Act, consent of a minor girl is not required for this operation while in other surgical operations of children above 12 such consent is necessary. In our view this distinction is uncalled for and may lead to guardians compelling young girls to undergo this operation even when they do not want it. The consent of the patient should be essential. In the case of a minor girl nearing majority, if the doctor and the patient are in agreement, the consent of the guardian may be dispensed with. In all such cases, greater discretion should be permitted to the doctor (8.85).

(b) Sections 8 of the Act provides an overriding precaution to the doctor for any damage caused by the operation. Since no such protection is given for other operations, this seems an unnecessary clause and may lead to negligence. It may, therefore, be dropped (8.85).

(c) While we appreciate the ethical considerations which make many doctors reluctant to perform this operation, we feel that it is a woman's right to have control over the size of her family. At the same time it is important that doctors should have the authority to discourage such operations when they pose definite risk to the health of a patient. The condition being imposed in many hospitals that abortion will only be performed if the patient agrees to sterilisation, should not be compulsive. It would be far better to adopt methods of persuasion through expert counselling (8.80-81).

(d) The procedure and paper work involved in these operations need to be simplified. It is also necessary to extend facilities for authorized termination of pregnancies, particularly in the rural areas (8.83).

(e) Many hospitals continue to insist on the husband's consent before performing these operations though this is not required by the law. A special effort needs to be made to convince the medical profession of the social value of this law from the point of view both individuals and society (8.83).

(f) Most doctors are reluctant to perform these operations in the case of unmarried girls. It is necessary to clarify the point that rape is not the only ground to justify termination in cases of unmarried girls, nor is there any legal obligation on the doctor to inform the Police of an operation done in a rape case (8.84).

B. Welfare and Development

49. In order to prevent any ambiguity in the understanding of what constitutes women's welfare and to prevent the development of policies that sometimes go against the basic objectives, we recommend that the Government of India should evolve a national policy on women's development in the light of the constitutional directives and pledges made to the women of this country and to the international community from time to time (8.178).

50. In view of the need to maintain links between governmental, voluntary and community effort for promotion of women's welfare and to assist the process of Government planning with actual knowledge and experience of the problems and needs of women at different levels.

We recommend :

(a) Reorganisation of the Central Social Welfare Board as a statutory and autonomous specialized agency for planning, coordination and management of welfare and development programmes for women and children.

(b) Reorganisation of the State Social Welfare Advisory Boards as statutory autonomous agencies at the State level with similar functions. In addition, the State Boards may also serve as links between the Central agency, the State Government and the local bodies.

Need for Agencies for Coordination Communication and Implementation of Measures to Improve the Status of Women (NOTE AFTER CHAPTER IX)

The U N Commission on the Status of Women in its 25th Report has recommended establishment of a National Commission or similar bodies 'with a mandate to review, evaluate and recommend measures and priorities to ensure equality between men and women and the full integration of women in all sectors of national life' We accordingly recommend the constitution of statutory autonomous Commissions at the Centre and the State with the following functions

a) Collection of information on different matters, e g education employment, health, welfare, political participation impact of social legislation etc , with the right to call for information on different matters from the concerned agencies of the Government and to suggest improved methods for collection of data in different fields

b) Evaluation of existing policies programmes and laws that have a bearing on the status of women with the following powers

(i) to censure non implementation of these measures,

(ii) to point out lacunae or deficiencies in such measures and suggest amendments

The Commission s criticisms and suggestions made after due consultation with relevant Ministries or Departments of Government should be placed before Parliament or the State Legislatures They would be answered by the Government within a stated period with explanations or assurances

c) Recommendations of new laws policies or programmes aiming to implement the Directive Principles of State Policy and the objectives of the U N Resolutions and Conventions regarding the status of women These should be made to Parliament or the State Legislatures and Government will be statutorily responsible to consider such recommendations for action or to explain why they cannot be accepted

d) Redressal of grievances in cases of actual violation of existing laws

The Commissions may be empowered to take effective steps to redress the grievances of affected parties

Composition of the Commissions

The composition of these Commissions should be broadbased one category being selected for their representative status from different bodies like leading women s organisations, trade unions legislatures employers etc and the other group consisting of experts from the fields of law, health, education social research planning and administration The Chairmen and the majority of the members of all the Commissions should be women The Chairmen should be non officials but on a full time basis

52 We further recommend the establishment of special Tribunals** for all violation of human rights discrimination against women violation or evasion of existing laws and policies for the protection of women and their rights in society

---

**Shrimati Urmila Haksar and Shrimati Sakina A. [illegible]

APPENDIX 'A'

No 20/14/67-SW 2
BHARAT SARKAR
SHIKSHA AUR SAMAJ KALYAN MANTRALAYA
SAMAJ KALYAN VIBHAG

New Delhi, Wednesday,
September 22, 1971

RESOLUTION

There are a number of provisions in the Constitution relating to the rights and status of women in the country They have been supplemented by various enactments and developments programmes aiming at enabling women to play their role in our national life in an effective manner These programmes have brought about considerable changes in the urban areas, but the problems continue to remain ,virtually unchanged in most of the rural areas Further, with the changing social and economic conditions in the country various new problems relating to the advancement of women have also emerged

2 The Government of India feel that a comprehensive examination of all the questions relating to the rights and status of women in this country would provide useful guidelines for the formulation of our social policies A Committee on the status of women is therefore constituted with the following terms of reference

(1) To examine the Constitutional, legal and administrative provisions that have a bearing on the social status of women, their education and employment

(2) To assess the impact of these provisions during the two decades on the status of women in the country, particularly in the rural sector and to suggest more effective programmes

(3) To consider the development of education among women to determine the factors responsible for the slow progress in some areas and suggest remedial measures

(4) To survey the problems of the working women including discrimination in employment and remuneration

(5) To examine the status of women as house-wives and mothers in the changing social pattern and their problems in the sphere of further education and employment

(6) To undertake surveys or case studies on the implication of the population policies and family planning programmes on the status of women

(7) To suggest any other measures which would enable women to play their full and proper role in building up nation

3 The Chairman and Members of the Committee will be as follows —

(1)	Smt Phulrenu Guha	Chairman
(2)	Smt Savitri Shyam, M P	Member
(3)	Smt Neera Dogra	Member
(4)	Shri Vikram Chand Mahajan, M P	Member
(5)	Smt Sakina A Hasan	Member
(6)	Smt Maniben Kara	Member
(7)	Smt K Lakshmi Raghuramaiah,	Member
(8)	Smt Lotika Sarkar	Member
(9)	Smt Shakuntala Masani	Member-Secretary

4. The Committee will regulate its own procedure, and may visit or depute one or more of its members to visit such parts of India as it considers necessary.

5. The Committee will submit its report within a period of two years.

Sd/-
P. P. I. Vaidyanathan
Additional Secretary to the Govt. of India

The following were nominated as members of the Committee on the Status of Women in India vide Resolution No. F. 20-14/67 S. W. 2 dated 14th February, 1972:—

(1) Smt. Urmila Haksar
(2) Smt. Meena Swaminathan
(3) Smt. Leela Dube

In continuation of the above notification No. F. 20-14/67 S. W. 2, Dr. (Smt.) Vina Mazumdar was nominated as Member of the Committee on 15th April, 1972 vice Mrs. Meena Swaminathan who had resigned. In continuation of the Resolution Smt. Maya Ray was appointed as member of the Committee on the Status of Women in India on 10th August, 1972.

Subsequently, Smt. Maya Ray resigned due to personal reasons.

No. F. 20-14/67-WW
Bharat Sarkar
Shiksha Aur Samaj Kalyan Mantralaya
(SAMAJ KALYAN VIBHAG)

New Delhi, Friday, Sept. 21, 1973.
Bhadra 30, 1885.

RESOLUTION

The Government of India had constituted a Committee on the Status of Women in India *vide* Resolution No. 20-14/67-SW.2 dated 22nd September, 1971.

2. The Committee was to submit its report within a period of two years. The Committee represented that in view of the complexity and magnitude of the task assigned to it, it would not be able to complete it in two years.

3. After carefully considering all aspects of the matter, the Government have decided to extend the tenure of the Committee on the Status of Women in India from 22.9.73 to 31.3.74 to enable it to complete its report according to the terms laid down in the above-mentioned Resolution.

4. The composition of the Committee will be as follows with effect from 22.9.73:-

1.	Dr. (Smt.) Phulrenu Guha	Chairman
2.	Smt. Neera Dogra	Member
3.	Dr. (Smt.) Leela Dube	Member
4.	Smt. Urmila Haksar	Member
5.	Smt. Sakina A. Hasan	Member
6.	Smt. Maniben Kara	Member
7.	Shri Vikram Chand Mahajan, M.P.	Member
8.	Smt. K. Lakshmi Raghuramaiah	Member
9.	Smt. Lotika Sarkar	Member
10.	Smt. Savitri Shyam, M.P.	Member
11.	Dr. (Smt.) Vina Mazumdar	Member-Secretary

Sd/-
(P.P. Trivedi)
Joint Secretary to the Govt. of India
New Delhi, dated September 21, 1973.

No. 20-14/67-WW

APPENDIX 'B'

Members of Task Forces

Education

1 Dr (Miss) Bina Roy President University Women's Federation
2 Shri J P Naik Member Secretary ICSSR
3 Dr (Miss) C Nair Technical Officer Indian Council for Child Welfare
4 Mrs Irene Sinha Hony Director H...
5 Smt Tara Bai Hony ... Science College Charutar

Economic

1 Mrs Kamla Mankekar
2 Mrs Shakuntala Verma
3 Miss C A Radhabai
4 Smt Parvati Krishnan M P

Legal Aspect

1 Dr Sivaramayya Faculty of Law University of Delhi
2 Dr Santosh Kuba Faculty of Law, University of Delhi
3 Shri Jafar Hussain Faculty of Law University of Delhi
4 Shri R V Kelkar Faculty of Law University of Delhi

Political Aspect

1 Sh Jiwanlal Jairam Das Secretary Harijan Sevak Sangh
2 Smt Sarla Jagmohan
3 Smt Usha Bannerjee Chairman Delhi State Social Welfare Board
4 Smt Shahida Latif
5 Smt Kamla Bhasin Kapur

Social Aspect

1 Smt Vina Das Lecturer Deptt of Sociology University of Delhi
2 Smt Neera Desai Deptt of Sociology S N D T College for Women
3 Miss Radha Paul Director of Field Work Madras School of Social Work
4 Prof (Miss) Indira Patel Dean Faculty of Social Work University of Baroda
5 Dr (Smt) Promilla Kapur

Employment Aspect

1 Prof (Smt) Kusum Damle
2 Shri V B Karnik
3 Shri Jagdish Ajmera
4 Prof (Smt) Malti Shah

Members of Expert Groups

Health

Dr M K Krishna Menon
Retired Professor of Obstetrics
Madras Medical College Madras

Dr D Bannerji
Centre of Social Medicine and Community Health
Jawahar Lal Nehru University New Delhi

Dr Ashish Bose
Institute of Economic Growth
University of Delhi Delhi

Dr O P Ghai
Head of Department and Professor of Pediatrics All India Institute of Medical Sciences New Delhi

Dr. B.K. Roy Burman,
Deputy-Registrar General,
Office of the Registrar General of India,
New Delhi.

Dr. (Mrs.) V. Sebastian,
Ministry of Health & Family Planning,
New Delhi.

Dr. (Mrs.) Shakuntala Dube,
Deptt. of Psychiatry,
All India Institute of Medical Sciences,
New Delhi.

DOWRY

Shri Ashok Mitra,
Secretary to the President of India,
(Formerly Census Commissioner—Census 1961)

Prof. P.K. Bardhan,
Delhi School of Economics,
University of Delhi, Delhi.

Dr. Vinaysheel Gautam,
Lecturer, St. Stephen's College,
University of Delhi.

Dr. B.K. Roy Burman,
Deputy Registrar General, Office of
the Registrar General of India,
New Delhi.

Dr. (Mrs.) Veena Das,
Deptt. of Sociology,
Delhi University.

APPENDIX 'C'

Surveys Conducted by the Committee

1. Status of Women in India (Report in Appendix-I)
2. Status of Women in a Minority Community (Report in Appendix II).
3. Survey of Official Opinion regarding issues in Women's Education (Report in Appendix-III). Data used in Chapter V.
4. Position of Women in Public and Private Sector Undertakings

   Data used Chapter V.

5. Position of Women in Central Ministries.

APPENDIX 'D'

Committee on the Status of Women in India

Copy of Letter issued to all State Governments giving Areas/Groups to be covered during tours of States

The Committee on the Status of Women in India has been appointed to study the impact of the constitutional, legal and administrative provisions having a bearing on the social status of women, their education and employment in the last two decades particularly in the rural sector and to suggest more effective programmes The terms of reference of the Committee are enclosed As per the terms of reference, the Committee is attempting to assess the status and problems of women in different parts of the country in the following five aspects of social life

(i) Education

(ii) Social (general social attitudes, customs regarding marriage, adoption, health, family planning, children s welfare etc)

(iii) Legal (particularly personal law)

(iv) Economic (Particularly the opportunities for employment and improvement of economic conditions of status as well as the enjoyment of economic rights)

(v) Political (Particularly the enjoyment of rights to participate in political activities and decision making at different levels)

In the course of its tours of different States, the Committee is anxious to obtain representative opinion and information regarding the present position of women in different spheres of life as well as the trend of changes that have taken place in the last 25 years It is also interes ed in discussing the progress, experience and assessment of various programmes sponsored by the State and Central Government and non official agencies for women s welfare education/training, health, employment etc

Since the Committee's tours necessarily have to be short, it would be greatly appreciated if the programme prepared for the committee includes discussions with representative groups of officials of the various departments (particularly Home, Education, Social/triba /rural welfare, labour, industry, agriculture, local self government, community development, health and family planning agencies and categories of women listed below and visits to the important centres of agricultural and industrial activity and places representative of varying degrees of development/under development

The categories of women are as follows

(a) Voluntary and professional social workers including the members and staff of the State Board of Social Welfare

(b) Working women — White collared, industrial labour (trade union representative would be particularly welcome)

(c) Agricultural labour (landed and landless).

(d) Village level workers (Gram Sevikas, Bal Sevikas, Mukhya Sevikas, teachers different levels, family planning workers)

(e) Urban professionals – (school, college, university teachers, lawyers, nurses, doct journalists)

(f) Women in business and trade including small scale industry

(g) Women in political and public life (particularly those serving as membe panchayats and other representative decision making bodies)

(h) House wives from different economic groups in both urban and rural areas

(i) Women from minorities and depressed communities e g Harijans

It may also kindly be noted that the Committee will be always grateful for the presence of particularly knowledgeable persons with specialised knowledge of specific problems/ aspects of women's life in this meeting.

In case the Government or any of the non-official agency concerned have already undertaken any study or evaluation of particular programmes or problems in the State, the Committee would be grateful to receive the relevant documents for the Committee's information, since they would provide much greater data than it may be possible for the Committee to collect during this short tour.

The above suggestions may kindly be kept in mind while preparing the programme for the Committee's visit to the State.

Statement showing the States visited by the Committee and the period of tour in each State

	Name of State	Period of Tour
1	Haryana	24th and 25th April, 1973
2	Punjab	26th to 28th April, 1973
3	Himachal Pradesh	4th to 8th June, 1973
4	Tamil Nadu	7th to 13th August, 1973
5	Goa, Daman & Diu	23rd to 26th Sept , 1973
6	Maharashtra	27th to 30th Sept , 1973
7	Uttar Pradesh	8th to 13th October, 1973
8	Andhra Pradesh	5th to 10th November, 1973
9	West Bengal	28th November to 2nd December, 1973
10	Meghalaya	9th to 11th December, 1973
11	Assam	12th to 15th December, 1973
12	Arunachal Pradesh	9th to 11th Dec , 1973
13	Nagaland	12th to 13th December, 1973
14	Manipur	14th to 15th December, 1973
15.	Orissa	15th to 19th January, 1974
16	Kerala	29th January to 4th February, 1974
17	Rajasthan	25th February to 2nd March, 1974
18	Madhya Pradesh	10th to 15th March, 1974
19	Karnataka	8th to 12th May, 1974
20	Jammu & Kashmir	23rd to 27th May, 1974
21	Gujarat	3rd to 8th June, 1974
22.	Bihar	15th to 20th June, 1974
23	Delhi	5th to 6th August, 1974
24	Tripura	20th to 25th August, 1974

APPENDIX 'E'

List of Persons Who Were Invited for Discussion to Committee's Meetings in New Delhi*

	Name	Organization
1.	Smt. Kamla Devi Chattopadhya	
2.	Smt. Hansa Mehta	
3.	(Mrs.) Justice Krishna Aiyer	
4.	Mr. Iyengar	
5.	Mr. Lateef	
6.	Smt. Pulpule Jayatar	
7.	Dr. (Mrs.) Sarojini Mahishi	
8.	Smt. Sushila Rohatgi	
9.	Smt. Mukul Bannerjee	
10.	Smt. Lakshmi Kantamma, M.P.	
11.	Smt. Sahodaya Bai, M.P.	
12.	Smt. Lakshmi Kumari Chundawat, M.P.	
13.	Smt. Savita Bahen, M.P.	
14.	Smt. Sumitra Kulkarni, M.P.	
15.	Smt. Leela Damodra Menon, M.P.	
16.	Smt. Aziza Imam, M.P.	
17.	Smt. M. Godfrey, M.P.	
18.	Smt. Pratibha Patel	
19.	Smt. Sushila Adivarekar, M.P.	
20.	Smt. Kitty Shiva Rao	
21.	Smt. Rallia Ram	
22.	Smt. P. Kalhan	
23.	Miss Ketaki Sen	
24.	Smt. Dharma Kumar	
25.	Smt. Shyam Kumari Khan	
26.	Prof. S.N. Ranade	
27.	Prof. V.M. Kulkarni	
28.	Dr. Promilla Kapur	
29.	Smt. Kamla Mankekar	
30.	Smt. Perin Romesh Chandra	
31.	Smt. Sona Roy	
32.	Smt. Sita Basu	
33.	Dr. D. Doulkar	
34.	Dr. D. S. Kothari	
35.	Smt. Kerkud	Ex-Director; Women's Programmes, Department o Community Development, Lucknow, U.P.
36.	Smt. Mahadevan	In charge Women's Voluntary Organization for Mobil Creches in New Delhi.
37.	Dr. (Smt.) Yasmin Morenas	Department of Community Development.

*This list is not exhaustive.

	Name	Organisation
38	Principal	Delhi Women's Polytechnic
39	Miss Adarsh Sarvariya	-do-
40	Smt Shakuntala Lall	Association for Social Health in India
41	Smt Raj Thapar	Managing Editor "Seminar"
42	Shri Chanchal Sarkar	Director, Press Institute of India
43	Shri N V K Murthy	Registrar, Jawaharlal Nehru University
44	Smt R Saran	All India Women's Conference
45	Smt Vimla Virmani	National Council for Women in India
46	Smt Vimla Raghurai	-do-
47	Smt C K Kesavan	University Women's Federation
48	Miss Bina Roy	-do-
49	Miss Mridha	Young Women s Christian Association
50	Miss Sannon	-do-
51	Miss Neeti Mahanti	Bhartiya Grameen Mahila Sangh
52	Miss Radha	-do-
53	Smt Pramoda Gosalia	Kasturba Memorial Trust
54	Shri Shyam Manohar	Adim Jati Sevak Sangh
55	Smt Rita Seth	National Federation of Indian Women
56	Smt Primala Loomba	-do-
57	Shri H Chinchilkar	Adim Jati Sevak Sangh
58	Shri P N Luthra	Secretary, Department of Social Welfare
59	Shri A C Bandhopadya	Secretary, Union Public Service Commission
60	Smt Sarojini Varadappan	Chairman, Central Social Welfare Board
61	Smt C D Saighal	Indian National Trade Union Congress
62	Smt Ramnika Gupta	Indian National Trade Union Corgress
63	Smt V. Ranadive	Centre Indian Trade Union
64	Sri T N Siddanta	All India Trade Union Congress
65	Smt Pargati Krishnan	-do-
66	Smt Manju Mathur	Socialist Party
67	Smt Promila Dandavate	-do-
68	Dr D Paul Chowdhury	Director, (P) Department of Community Development
69	Shri N P Jain	Director (SIE)
70	Shri R N Azad	Joint Secretary, Department of Community Development, (Ministry of Agriculture)
71	Shri K N Channa	Additional-Secretary, Department of Community Development
72	Shri N P Dube	Additional Secretary, Ministry of Labour
73	Shri D S Nim	Joint Secretary, -do-
74	Shri Iswar Chandra	Deputy Director, -do-
75	Miss Savitri	Asstt Director, -do-
76	Miss Adarsh Sarvaria	Asstt Director, (W O) Director General of Employment & Training
77	Miss Devjani Sircar	Junior Section Officer, -do-
78	Shri P N Segal	Director of Employment Exchanges
79	Shri N N Tandon	Joint Secretary (P), Ministry of Education
80	Shri Nair	—
81	Shri Rama Rao	

	Name	Organisation
82.	Shri J. Veeraraghavan	Jt. Secretary (P), Ministry of Education.
83.	Shri J.R. Jayaram	Jt. Secretary (G), -do-
84.	Shri G. Khurana	Research Officer, -do-
85.	Shri K.R. Ramachandran	Jt. Secretary, Dapartment of Social Welfare.
86.	Shri B.B. Sahay	Director, Women Welfare & Social Development.
87.	Shri A.B. Bose	Director (R)
88.	Shri A.S. Rao	Under Secretary
89.	Shri S.S. Bisen	Jt. Secretary, Department of Personnel.
90.	Shri Harish Chandra	Deputy Secretary, (Welfare) Department of Personnel.
91.	Shri P.S. Mahadevan	Jt. Secretary, Department of Personal and A.R.
92.	Shri B.P. Bagchi	Secretary, -do-
93.	Smt. Shradha Devi	Congress (O)
94.	Smt. Vimla Farooqui	Communist Party of India.
95.	Smt. Renu Chakrobarty	-do-
96.	Smt. Khursheed Kidwai	Bhartiya Jan Sangh
97.	Smt. Kamla Verma	-do-
98.	Smt. Malhotra	-do-
99.	Shri K.G. Krishnamurthy	Jt. Secretary, (Social Planning) Planning Commission.
100.	Shri R.S. Uppal	Research Officer, -do-
101.	Shri D.P. Nayar	Adviser Education, -do-
102.	Shri Nitish R. De	National Labour Institute.
103.	Shri Bhupendra Srivastava	Deputy Director (Education) National Labour Institute.
104.	Trade Union Leader & Author.	
105.	Shri Mane	Commissioner, Scheduled Castes and Scheduled Tribes.

2 The Committee met large number of persons of various categories in groups This is the list of some persons they met individually

1 Governor — Assam, Punjab, Haryana
2 Adviser to Governor — Andhra Pradesh
3 Chief Minister — Assam, Rajasthan, Tripura, Goa
4 Speaker — Karnataka
5 Minister
   (a) Social Welfare – Assam Tamil Nadu, Maharashtra Karnataka, Madhya Pradesh, Haryana, Punjab J & K, Himachal Pradesh, Tripura
   (b) Education – Karnataka, Madhya Pradesh, Punjab, Tripura, West Bengal
   (c) Other Minister – Tripura (Finance Industry, Labour, Tribal) – Punjab (Finance)

Delhi Administration—Social Welfare Councillor

Vice Chancellors — (i) Rabindra Bharati, Calcutta
(ii) S N D T Women's University, Bombay, and in Bangalore

(6) Chairmen of All States Social Welfare Advisory Boards

1 Dr Durgabai Deshmukh
2 Dr C R Deshmukh
3 Dr C Gopalan
4 Dr D S Reddy
5 Begum Ali Yavar Jung
6 Smt Jayasree Raiji
7 Begum Hamida Habibullah
8 Begum Ali Zahir
9 Smt Swarna Probha Mohanti
10 Smt Anwara Timur
11 Smt Usha Barthaken
12 Smt Indira Malini
13 Mrs R Shaiza
14 Smt Lakshmi Menon
15 Dr A T Markare
16 Smt Kusumben Shah
17 Smt Mary Clubwalla Jadav
18 Dr Asima Chatterjee
19 Dr Balbhadro Prasad
20 Shri Ganga Saran Sinha
21 Smt Satyavati Dang
22 Smt Lata Thakur
23 Smt Indira Chakravarty
24 Smt Vinodini Saranghee
25 Smt Rama G
26 Smt Indumati Chimanlal
27 Smt Hemlata
28 Smt Sagna Devi

3. The Committee contacted some prominent ladies in Public life and the following sent their views:—

1. Smt. Hansa Mehta
2. Smt. Nandini Satpathy
3. Smt. T.S. Soundram Ramachandran
4. Dr. Sushila Nayyar
5. Smt. Usha Borthakur
6. Smt. Hamida Habibullah, MLA
7. Smt. Zainab Begum
8. Smt. Anis Kidwai, Ex M.P.
9. Smt. Mohinder Kaur
10. Smt. Shyam Kumari Khan
11. Smt. Rajkumari Vajpayee, Maharashtra
12. Smt. Pratibha Lalitchandra Rana
13. Smt. Maya Devi Chhetry
14. Smt. Basana Chakraborty
15. Smt. Sumati B. Madiman
16. Smt. Damayanthi Bore Gonwda
17. Smt. Kishori Devi, MLA.

APPENDIX 'F'

LIST OF STUDIES

	Name of the Study	*Name of Author*
	Social Aspect —Image of Women in Different Religions	
1	The Image of Women in Buddhism	Dr Pratap Chander
2	The Image of Women in Zoroastrianism	Dr A Dastur
3	The Image of Women in Christianity	Smt Phyllis Gore
4	The Image of Women in Islam	Dr S T Lokhandwala
5	Status of Women in Vaishnavism	Dr A K Majumdar
6	The Image of Women in Hinduism	Smt Prabhati Mukerji
7	The Image of Women in Sikhism	Dr Gurbachan Singh
8	Status of Women in Veerasaivism	Smt Leela Mullatti
9	The Image of Women in Jainism	Prof A N Upadhyay
10	Contribution of Arya Samaj Braham Samaj and Prarthana Samaj	Km Urvashi Vasudeva
	Qualitative Content Analysis of Newspapers & Magazines	
11	Qualitative Content Analysis of Newspapers and Magazines in Oriya	Dr (Mrs) P N Das
12	Qualitative Content Analysis of Newspapers and Magazines in Marathi	Km Sudha Gogate
13	Qualitative Content Analysis of Newspapers and Magazines in Urdu	Dr Munir Ahmad Khan
14	Qualitative Content Analysis of Newspapers in Telugu	Dr C Lakshmanna
15	Qualitative Content Analysis of Two Newspapers in Hindi	Shri Ganesh Mantri
16	Qualitative Content Analysis of two Newspapers in Hindi	Dr (Smt) Veena Das
17	Qualitative Content Analysis of Newspapers and Magazines in Malayalam	Dr P K B Nair
18	Qualitative Content Analysis of Newspapers and Magazines in Gujarati	Dr (Mrs) Harshida Pand
19	Qualitative Content Analysis of Newspapers and Magazines in Tamil	Dr D Sadasivar
20	Qualitative Content Analysis of Newspapers and Magazines in Bengali	Smt Tanika Sarkar
21	Qualitative Content Analysis of Newspapers and Magazines in Kannada	Prof C Rajagopalan
22	Indian Films and the Image of Women	Dr R N Saksena
23	Customary Laws Regarding Marriage in Different Parts of India	Sh C G Jadav
24	Tribal Marriage Institutions	Sh N K Bannerji
25	Sex Ratio	Dr Kumudini Dande
26	Age at Marriage	Dr Kumudini Dand
27	The Status of Women in Relation to Kinship and Marriage	Dr Mrs Veena D
28	A Study of Family and Household	Dr T N

No.	Title	Author
29.	A Study of Roles and Attitudes of the Social Status of Women in Ancient, Medieval and Modern India	Mrs. Neera Desai
30.	Status of Women in Selected Countries	Dr. Urmila Phadnis and Smt. Indira Malini
31.	Status of Women and Family Planning	Dr. (Smt.) Kamla Gopal Rao
32.	Status of Women Among Tribes	Dr. Jyoti Sen
33.	Institutionalised Aid to Helpless Women and Girls	Dr. (Mrs.) Jyotna H. Shah
34.	Status of Women and Suicides	Dr. (Smt.) Jyotna H. Shah
35.	Changing Status of Women of a Polyandrous Society : Jansar Bawer	Km. S.D. Jain
36.	Status of Women in India Regarding Dowry	Dr. (Smt.) M. Rallia Ram
37.	Extent of Change in the Status of Scheduled Caste Women after Independence	Dr. H.R. Trivedi Harijan Sevak Sangh
38.	Survey on Exploitation of Scheduled-Caste Women : Harijan Sevak Sangh	Dr. H.R. Trivedi

Employment and Economic Status :

No.	Title	Author
39.	Status of Women Teachers in India	Smt. Karuna Ahmed
40.	Status of Women Agricultural Workers	Smt. Rama J. Joshi
41.	Women Office Workers	Dr. Promila Kapur
42.	Women in Unusual Professions	Dr. Promila Kapur
43.	Employment of Women in India	Dr. Kumudini Dandekar
44.	Status of Women Factory Workers including Daily Wage Workers in India	Dr. Padmini Sen Gupta
45.	Working Women's Traditions and Customs and their Repurcussions on Productivity	Dr. Padmini Sen Gupta
46.	Women in Jute Industry	Dr. Padmini Sen Gupta
47.	Women in Trade Unions	Dr. Padmini Sen Gupta
48.	Women in Contract Labour	Dr. Padmini Sen Gupta
49.	Status of Women Workers in Plantations and Mines	Dr. Padmini Sen Gupta
50.	Sweeper Women	Dr. Padmini Sen Gupta
51.	Women Feeders of Factories from their homes	Dr. Padmini Sen Gupta
52.	Social and Protective Laws Concerning Women	Dr. Padmini Sen Gupta
53.	Women in Industry	Sri. V.B. Karnik.
54.	A Study of Living and Working Conditions of Women in Construction Projects in Delhi Region	Prof. S.N. Ranade
55.	Status of Women Medical Personnel in India	Mrs. S.K. Sekhon
56.	A Survey of Women Construction Workers (Bihar)	Sri. V.B. Karnik.
57.	Women Coal-mine Workers	Smt. Tulpule

Political :

No.	Title	Author
58.	Political Status of Women in India (Illustrative Material —13 papers)	Prof. Iqbal Narain
59.	Constitutional Provisions Relating to Women—An Analytical Examination.	Prof. Upandra Baxi
60.	Women's Emancipation in India—A Sociological Analysis	Prof. Sugata Das Gupta and Dr. I.N. Tewary.
61.	Compilation of Discussions Regarding Women in the Constituent Assembly particularly relating to Fundamental Rights and Directive Principles	Sh. Ranjit Mukherji
62.	Impact of Panchayati Raj on Progress of Women's Education in Rajasthan (An Empirical Study)	Prof. Iqbal Narain, Shri K.S. Pande and Sh. Mohan Lal Sharma

63	*The* Organisation and Operation of Three National Level Women's *Organisations* (i) All India *Women's* Conference (ii) The National Federation of Women (iii) The Bharatiya Gramin Mahila Sangh	Dr *Saroj* Kumar Sharma
64	Women Members *of Indian* Parliament *in* Political Life in India	Dr (Miss) S Saraswathi
65	*Politicalisation* and Participation *of* Women—A Three State Empirical *Study* Supervised and Co ordinated *by*	Prof V M *Sirsikar*
	Administrative	
66	Problems *of* Co ordination in *Administration*/Implementation *of* Programmes *designed* for Women s *welfare*/training/education	Dr *Mohit* Bhattacharya
67	Critical Evaluation of Programmes for Women s Welfare *undertaken* by different agencies of Government since Independence Conceptual	Prof V Jagannathan
	Health	
68	Socio economic factors affecting the Health Status of Women at all ages A Background Statistical paper	Shri S N Kulkarni
69	A *Programme* for Improvement of Women's Health in India Need *for* Reorganisation of *Fifth* Five Year Plan	Shri S N Kulkarni
70	Co education *and* Choice of Subjects by Girls—A Six State Empirical Study Co ordinated and Supervised by	Dr S K Mitra, NCERT
71	Sex Difference and their Implications for Education	Dr (Mrs) *Chitra* Naik
72	Public Policy and Social Feedback—A Study of Women s Education in Bihar	Prof R C Prasad
73	Development of Women s Education since Independence A Statistical Analysis	Shri M R *Rabindranathan*
	Legal	
74	Penal Laws	Shri R V Kelkar
75	Marriage *and* Inheritance	Dr B *Shivaramaiyya*
76	Divorce	Shri Zafar Hussain
77	Nationality	Dr Santosh Kuba
78	Bibliography of *Indian* Statutes relating to Women	Shri H C Jain

APPENDIX 'G'

Drafting Committee

1 Dr (Smt) Phulrenu Guha
2 Dr (Smt) Lotika Sarkar
3 Smt *Urmila* Haksar
4 Dr (Smt) Vina Mazumdar

APPENDIX 'H'

List showing the names, designations and period of service of the Officers and members of the Staff of the Office of the Committee on the Status of Women in India.

S.No.	Name of Post	Incumbent	Period of service in the office of the Committee. From	To
1.	Deputy Secretary	Smt. Urmila Gupta	7.5.73	Todate
2.	Research Officer	1. Sh.M.B Mathur	15.1.72	30.4.72
		2. Smt. U. Narula	25.1.72	9.3.72
		3. Smt. Promila Sharma	16.3.72	14.8.74
		4. Dr. (Smt.) Kumud P. Sharma	20.5.72	Todate
		5. Miss Shanta Kohli	2.5.74	31.8.74
		6. Dr. (Miss) Neelam Gupta	22.4.74	16.6.74
			13.9.74	Todate
3.	Section Officer	1. Shri O.P. Chopra	1.11.71	4.11.73
		2. Shri P.K. Kundu	20.9.73	13.11.73
		3. Shri H.R. Mahey	14.11.73	Todate
	Non-Gazetted:			
4.	Senior Investigator	1. Smt Promila Sharma	15.1.72	15.3.72
		2. Miss K. Sharda	24.3.72	20.9.72
		3. Shri C. Surendra Babu	14.6.73	Todate
		4. Shri R.C. Aggarwal	13.7.73	27.11.74
5.	Assistant	1. Shri R.S. Mittal	19.11.71	31.1.74
		2. Shri P.K. Kundu	14.11.73	19.3.74
		3. Shri Basant Ram	20.3.74	Todate
6.	Personal Assistant	1. Shri R.C. Gupta	26.10.71	20.12.71
		2. Sh. S.C. Bhattacharya	19.11.71	Todate
		3. Shri B.K. Dogra	20.12.71 (A.N.)	31.7.74
		4. Sh. M.L. Sharma	1.8.74	Todate
7.	Stenographer (Grade III)	1. Sh. A.K. Basin	25.8.73	7.2.74
		2. Sh. Laxmi Narain	8.2.74	12.4.74(F.N.)
		3. Sh. Ashok Bhatia	17.5.74	Todate
8.	U.D.C-Cum-Cashier	Shri K.D. Sharma	11.1.72	Todate
9.	L.D.C.	1. Shri S.L. Vohra	3.12.71	Todate
		2. Shri V.M. Gupta	3.12.71	31.10.74
10.	Peon	1. Shri Bihari Lal	1.1.72	Todate
		2. Shri Hari Singh	4.4.72	25.11.72
		3. Sh. Ghanshyam Dass	6.5.72	Todate
		4. Shri Mehar Singh	30.3.73	Todate.

CHAPTER—I

INTRODUCTION

Status is a composite concept which indicates the position of an individual or a group in terms of several values in society. Possession of these values may be in terms of some objective criteria (as in the case of income group) and/or in terms of individual and social consciousness. For an understanding of status we have to take into account actual possessions as well as differential values attached to the possessions. Furthermore status as a combination of roles, depends upon the definition of these roles by the self and others and expectations with regard to their performance. Thus status of women involves a study of the interplay of different roles which they are expected to perform. The composite nature of the interplay becomes clear from the vantage point of the role performer.

Reasons for the lower status of women in Indian society and the barriers to change are both institutional and attitudinal. While institutional changes may be introduced by the authoritative agency (e.g. the Government) changing the attitudes is a long and arduous process. It is largely because of the absence of the attitudinal support that the reforms to bring about improvement in the status of women through the introduction of new institutions or through moulding the older ones have failed to make any definite impact. In order to fully understand status to enable meaningful recommendations for change, it is important to delineate the attitudes and opinions regarding the perceived disabilities and status of women.

In order to get an indication of the definition of women's role in different settings, it was decided to collect the views of both the male and female respondents from different regions in India, by means of a structured questionnaire.

Objectives :

The questionnaire included the following items of inquiry.

(a) Roles which female members are expected to fulfil in the family. Is the role limited to the performance of 'jobs' or the female members have some decision-making powers as well ?

(b) What is the position of women in the family with regard to the reaction to the birth of a daughter, allocation of family resources for boys and girls, eating habits, observance of Purdah and other restrictions on female members.

(c) Views on marriage and social customs regarding dowry, windows, divorce, etc.

(d) Extent of women's control over family resources, independent earning and financial security.

(e) Values and preferences regarding education of women.

(f) Attitude towards women's participation in politics.

Data Collection :

Due to limitations of time and resources, the Committee decided to follow certain broad guidelines for administering the questionnaire, instead of having a [illegible] respondents. The guidelines were:

(a) The proportion of the male and female respondents was approximately [illegible] 25% and 75%.

(b) The sample should represent the rural and urban areas in the ratio [illegible]

The coding and computerization of the data has been done by Dr. [illegible] (University Grants Commission, [illegible]) rology, Delhi) and Dr. R. K. Mathur. The Report has been [illegible] by Dr. S. N. [illegible] Dr. (Mrs.) Leela Dube.

(c) As far as possible, cross-section of respondents belonging to different income-groups and occupations were to be selected, keeping in mind the rural-urban ratio.

Instead of having a network of field investigators of its own, which would have meant large expenditure, the Committee decided to utilise the services of voluntary agencies for administering the questionnaires. A list of voluntary agencies with branches in all parts of the country, and ability to reach rural as well as urban areas, was selected. Accordingly questionnaires were mailed to the following categories of agencies :

(a) All India Voluntary Organisations and their State branches, (both women's organisations and others including trade unions, political parties etc.)

(b) Women Colleges and Institutions.

(c) Institutes of Social Work and Departments of Social Work and Sociology.

(d) Governmental and State agencies namely the Ministry of Agriculture, Directorate of Extension, Department of Community Development, some Tribal and Hilly Area Development Departments, etc., Agricultural Production Commissioners for distributing questionnaires particularly in rural areas, State Social Welfare Advisory Boards, and Family and Child Welfare Centres.

(e) Some interested individuals and research workers.

Questionnaires in English, Hindi and other regional languages, were despatched to the voluntary agencies in different States and Union Territories, and some were distributed by Committee members during their tour in different States. A total of about 6000 filled-in questionnaires were received, out of which 5603 could finally be used for analysis. About 2000 completed questionnaires were received subsequently, but could not be included in this analysis. Responses were converted into numerical codes to enable mechanical tabulation.

In addition to the marginal distribution tables and certain distributions in terms of selected independent variables, some questions have been combined. Items with thematic unity and with graded responses were combined in the scale form. Questions on sharing of work in the household and decision-making in family, were combined on a continuum ranging from 'entirely male' to 'entirely female.' Keeping in view the direction of particular response towards status of women, questions on attitudes and values were combined in the form of 'traditional-modern' orientation. But this orientation indicates only the position of women.

Description of the Respondents :

Since the questionnaires were mailed and data was collected on a voluntary basis, there are large variations in the percentages of respondents from different States and Union Territories (Table-I.1). While Tamil Nadu and Madhya Pradesh accounted for the highest percentages of respondents, (i.e. 15.96 and 12.47 respectively) the percentage of respondents from Chandigarh, Goa, Tripura and Meghalaya, was less than 1 in each case.

The rural-urban distribution of respondents was 54.05% and 45.95% (Table-I.2), which is quite close to the Committee's guideline to represent the rural-urban areas in the ratio of 60:40. The percentages of male and female respondents were 25 and 75 respectively.

In terms of religion, 81.11% of the respondents belonged to the Hindu religion (Table-I.3) followed by the Muslims.

In a survey which covered almost the whole Indian territory, caste posed the most difficult problems in categorisation. Finally we divided the Hindus among the upper, middle, lower and the scheduled castes. The distribution of respondents among different caste-groups (Table-I.3) showed 24.62% of upper caste Hindu, and 20.70% and 15.75% of the middle and lower castes respectively. Scheduled castes accounted for 6.73% of the respondents.

About the Survey Report :

This Report does not attempt any all-India generalizations. Our findings and conclusions are applicable to the population of our sample of respondents, belonging to different geographical areas and to different social and religious groups. No attempt has been made at generalisations in terms of these descriptive categories.

Since information contained in these pages have been utilised and in ... port of the Committee, wider implications of our findings have not been explained ... his Report presents indications on certain problems regarding the status of women in India

TABLE I 1

Percentage of respondents from different States. (Total No of respondents=5603)

	States/Union Territories	*Percentage*
1.	Andhra Pradesh	6 00
2	Assam	1.21
3	Bihar	1 77
4.	Gujarat	4 38
5	Haryana	7 16
6	Himachal Pradesh	1.52
7	Kashmir	1 04
8.	Kerala	7 12
9	Madhya Pradesh	12 47
10	Maharashtra	6 91
11.	Manipur	1 47
12	Meghalaya	0 42
13.	Mysore	4 30
14	Punjab	2 86
15	Orissa	2 81
16	Rajasthan	6 26
17	Tamilnadu	13 96
18.	Tripura	0 69
19	Uttar Pradesh	8 45
20.	West Bengal	2 83
21	Pondicherry	1 21
22	Delhi	1 85
23	Chandigarh	0 31
24.	Goa	0 69
25.	Not mentioned	0 31
	Total	100

TABLE-I 2

Percentage distribution of respondents in terms of Rural/Urban and Male/Female (Total No of Respondents=5603)

Characteristics	*Percentage*
Rural	54 05
Urban	45 95
Male	25 00
Female	75 00

TABLE-I 3

Percentage distribution of respondents in terms of Religion, and Caste-groups (Total No of Respondents=5603)

Religion	*Percen[illegible]*
Hindu	81.11
Muslim	5 96
Parsi	0 3[illegible]
Buddhist	0 5[illegible]
Christian	7 8[illegible]
Jew	0.[illegible]
Jain	1[illegible]
Sikh	1[illegible]
Tribal Religion	0[illegible]
Not mentioned	[illegible]

Caste-groups	*Percentage*
Upper Caste Hindu	24.62
Middle Caste Hindu	20.70
Lower Caste Hindu	15.75
Scheduled Castes	6.73
Non-Hindu Castes	12.00
Not mentioned.	20.20

CHAPTER—II

WOMEN'S ROLE IN FAMILY

What kind of role do women fulfil in the family situation? Is it confined to the rformance of household duties or does it contain a meaningful part in the decision making rocess in the family? Definition and description of the role would determine what is actually xpected of the women. The family attitude to the women and the training which the amily imparts to daughters, indeed the entire socialization process, would depend on the role, definition and expectation, which will also determine attitude towards female education.

The present chapter provides a description of the women's role in the family through questions on distribution of workload in the family and participation of the women members in the family decision-making on matters of collective interest.

Sharing of Work in the Household

There are a variety of jobs to be performed in a family. These jobs differ from the points of view of the time required for their performance, the stereotypes about the suitability of male or female members to perform certain jobs, differential status attached to certain items, and such other considerations. The following question was asked to the respondents to find out the nature of work-distribution in the family.

In every household work is shared by its members. Some work is done by women, some by men, some may be done by both men and women, either with equal participation or mainly by women or mainly by men. Some work may be done by outsiders. In your family what is the pattern?

The responses are given in table II 1. Cooking food is exclusively a job done by the female members, as indicated by a very high percentage of respondents saying that it is done entirely by female. There are certain other items like sweeping and cleaning the house, cleaning utensils, washing clothes, and fetching water, where it is the female members, who perform the job, the percentages under these items are quite high inspite of a significant sharing by the servants. There is only one job where the percentage under 'entirely male' is significant, that is 'making purchases for household requirements'. The percentage of respondents who said that purchases are made 'entirely' by male members of the family is highest for Muslims and Sikhs, followed by Jews and Jains (Table-II 1 A). The States where such percentage is highest are Tripura (70 27%), Madhya Pradesh, Haryana, Assam, Himachal Pradesh, Mysore, Punjab, and Orissa (Table II 1 B).

Household work which is 'equally shared' by male and female members include taking 'care of sick persons' and helping 'children in their studies'.

Responses on the nine items of household jobs (as in Table-II 1) were combined in a scale form to find out the cumulative pattern of sharing of work by male and female members. The percentage distribution of such cumulative responses, as in Table-II 2, reveals clearly that taking all the household jobs together, the major share is that of the female members. Th female share is markedly more in the rural areas (Table-II 2 A). The percentage of 'entirel female' share of household work increases as we come down from upper caste Hindus to th Scheduled Castes (Table-II 2 B). The Statewise distribution of cumulative responses (Tab II 2 D) indicates that the percentage of 'female share' is highest in Pondicherry, Assam a Manipur, followed by Gujarat and Haryana.

Participation in Family Decision-Making

Having seen that the major share of the household work is with the female mer of the family, the next three questions refer—to the part which the female members h the family decision-making on different issues.

The first question was,—

In every household decisions have to be taken about the amount to be spent o

Caste-groups	*Percentage*
Upper Caste Hindu	24.62
Middle Caste Hindu	20.70
Lower Caste Hindu	15.75
Scheduled Castes	6.73
Non-Hindu Castes	12.00
Not mentioned.	20.20

CHAPTER—II

WOMEN'S ROLE IN FAMILY

What kind of role do women fulfil in the family situation? Is it confined to the formance of household duties or does it contain a meaningful part in the decision making ocess in the family? Definition and description of the role would determine what is actually pected of the women The family attitude to the women and the training which the amily imparts to daughters, indeed the entire socialization process, would depend on the role, lefinition and expectation, which will also determine attitude towards female education

The present chapter provides a description of the women's role in the family through questions on distribution of workload in the family and participation of the women members in the family decision making on matters of collective interest

Sharing of Work in the Household

There are a variety of jobs to be performed in a family These jobs differ from the points of view of the time required for their performance, the stereotypes about the suitability of male or female members to perform certain jobs, differential status attached to certain items, and such other considerations The following question was asked to the respondents to find out the nature of work distribution in the family

In every household work is shared by its members Some work is done by women, some by men, some may be done by both men and women, either with equal participation or mainly by women or mainly by men Some work may be done by outsiders In your family what is the pattern?

The responses are given in table II 1 Cooking food is exclusively a job done by the female members, as indicated by a very high percentage of respondents saying that it is done entirely by female There are certain other items like sweeping and cleaning the house, cleaning utensils washing clothes, and fetching water, where it is the female members, who perform the job, the percentages under these items are quite high inspite of a significant sharing by the servants There is only one job where the percentage under 'entirely male' is significant, that is 'making purchases for household requirements' The percentage of respondents who said that purchases are made 'entirely' by male members of the family is highest for Muslims and Sikhs, followed by Jews and Jains (Table II 1 A) The States where such percentage is highest are Tripura (70 27%), Madhya Pradesh, Haryana, Assam, Himachal Pradesh, Mysore, Punjab, and Orissa (Table II 1 B)

Household work which is 'equally shared' by male and female members include taking 'care of sick persons' and helping 'children in their studies'

Responses on the nine items of household jobs (as in Table II 1) were combined in a scale-form to find out the cumulative pattern of sharing of work by male and female members The percentage distribution of such cumulative responses, as in Table-II 2, reveals clearly that taking all the household jobs together, the major share is that of the female members The female share is markedly more in the rural areas (Table II 2 A) The percentage of 'entirel female' share of household work increases as we come down from upper caste Hindus to th Scheduled Castes (Table-II 2 B) The Statewise distribution of cumulative responses (Tab II 2 D) indicates that the percentage of 'female share' is highest in Pondicherry, Assam a Manipur, followed by Gujarat and Haryana

Participation in Family Decision-Making

Having seen that the major share of the household work is with the female mer of the family, the next three questions refer to the part which the female members h the family decision making on different issues

The first question was,—

In every household decisions have to be taken about the amount to be spent o

different items. It may be entirely in the hands of males, or in the hands of females, or equal participation, or mainly in the hands of female members. Or, this may be in the hands of someone else. What is the pattern of decision-making in your family?

Responses to this question (Table-II.3) indicate that highest percentage of respondents felt that most of the decisions are 'equally shared'. At the two extremes, the percentages of 'entirely male' decisions are highest for matters like 'expenditure on education' and 'expenditure on major capital investments', whereas the 'entirely female' decisions are taken mostly for 'expenditure on food' and 'expenditure on household necessities'.

The marginal role played by the female members in the decision-making on expenditure, is clear from the cumulative responses presented in Table-II.4. More than 25 per cent of respondents viewed decision-making to be male oriented, such responses coming from a markedly high percentage of rural respondents (Table-II.4.A) as also from lower caste Hindus (Table-II.4C).

The next question was as follows :

> Besides expenditure, decisions have to be taken as regards what particular things to be bought, or where exactly to go, and what exactly to do. These decisions may be taken entirely by male members, or shared by both with equal participation, or mainly by male members or mainly by female members. Or this may be in the hands of someone else. What is the pattern in your family?

With regard to detailed buying, the prominent part played by the female members with regard to 'foodstuffs to be purchased' is striking (Table-II.5). Decision on the 'school the children should attend' and 'recreation and outings' account for a higher percentage of male participation. Most of the decisions fall in the category of 'equally shared' by the males and females.

In comparison to the previous question on decision-making on family expenditure, the cumulative responses to this question (Table-II.6) indicate a higher percentage of 'equally shared' decision, though 'entirely' and 'mainly male' decision account for 68.47 per cent of respondents. Such male dominance is again evident to a greater extent in rural areas (Table-II.6.A) and among lower caste Hindus (Table-II.8E.).

The third question was regarding major decisions of far reaching importance, like the educational career, jobs and marriage of sons and daughters :

> In a family decisions have to be taken on matters like educational career of children, marriage of children and so on. What is the pattern in your family? Does the person himself/herself decides about these matters, or it is done entirely by male members, or entirely by female members, or shared by all but mainly by male members.

Decisions about educational career to be pursued, about jobs and marriage, are collectively taken by the family, as revealed by low percentage of respondents saying that the children take these decisions 'himself/herself'. (Table-II.7) A higher percentage of respondents said that the 'sons' like their own decisions about the job they want to take an educational career. Though the overall percentage of female participation in such family decisions is lower, it is slightly higher for decisions affecting the daughters, whereas the male members of the family were instrumental in deciding about the sons. On these issues again the major part in decision-making is that of the male members. Decisions about marriage of sons and daughters are mostly collective in nature.

Summary

Analysis of questions on sharing of household duties and participation in family decision-making indicates that while the major share of duties is with the female members of the family, they have very little 'power' with regard to decision-making. Most of the household jobs which are time and labour consuming, and often described as 'drudgery of family work', are performed solely by the women. Examples of such jobs are cooking food, sweeping and cleaning the house, cleaning utensils, washing clothes and fetching water. Inspite of the help which comes from the servants, the percentage of respondents who indicated that these jobs are performed by women is fairly high ; there is very little 'sharing' of these jobs. The cumulative responses on all the listed nine jobs indicate a strong tendency of the major burden of household duties being on the female members.

Three questions were asked with regard to participation in making
family expenditure, detailed buying and major decisions of far reaching effect
en's educational career, jobs they should take and their marriage There is an unambi
indication that the female members of the family have a marginal role to play in
ior-making Only decision in which the female takes active part is in buying the foodstuff
male-dominated decision making is more in rural areas and among lower caste groups

BLE-II 1 *Percentage distribution of responses on sharing of work in the household*

estions In every household work is shared by its members Some work is done by women, some by men, some may be done by both men and women either with equal participation or mainly by women or mainly by men Some work may be done by outsiders In your family what is the pattern?

	Items of work	*Entirely male*	*Mainly male*	*Equally shared*	*Mainly shared*	*Entirely female*	*Servant*	*Any other*	*Not mentioned*	*Total*
1	Who cooks food in the house?	0 84	0 32	3 84	5 53	84 10	4 44	0 21	0 72	100 00
2	Who makes purchases for household requirement?	38 16	5 68	26 13	4 57	21 47	2 36	0 34	1 29	100 00
3	Who fetches water for the household?	3 69	0 66	9 16	3 93	50 37	19 01	5 09	9 09	100 00
4	Who washes clothes?	0 87	0 36	11 44	4 34	53 02	22 20	1 48	1 29	100 00
5	Who cleans utensils in the house?	0 48	0 39	2 14	1 52	64 86	29 07	0 59	1 04	100 00
6	Who sweeps and cleans the house?	0 68	0 27	3 94	2 45	67 84	22 76	0 71	1 35	100 00
7	Who takes care of children?	10 05	0 59	28 95	7 30	43 44	1 87	1 34	6 46	100 00
8	Who takes care of sick persons?	5 62	1 71	48 19	7 57	32 59	0 43	0 87	3 02	100 00
9	Who helps children in their studies?	19 74	3 37	38 30	3 12	16 81	0 32	4 03	14 31	100 00

TABLE II 1 A *Who makes purchases for household requirement.*

Religion	*Entirely male*	*Equally shared*	*Entirely female*
Hindu	38 70%	26 29%	22 05%
Muslim	43 28	19 70	21 19
Parsi	17 65	23 53	29 41
Buddhist	39 39	24 24	24 2
Christian	28 12	30 16	17 4
Jew	42 86	28 57	14
Jain	41 89	25 68	18
Sikh	43 12	27 52	16
Tribal Religion	22 22	11 11	16

TABLE-II.1.B *Who make purchases for household requirements.*

States/Union Territories	Entirely male	Equally shared	Entirely female
1. Andra Pradesh	34.48%	31.02%	21.63%
2. Assam	45.83	15.62	22.92
3. Bihar	28.57	26.53	25.51
4. Gujarat	26.64	26.23	29.92
5. Haryana	45.98	25.38	19.85
6. Himachal Pradesh	45.24	23.81	11.90
7. Kashmir	38.60	24.56	14.04
8. Kerala	40.15	22.98	10.86
9. Madhya Pradesh	50.07	25.68	13.77
10. Maharashta	33.77	29.87	22.60
11. Manipur	13.58	23.46	28.40
12. Meghalaya	0.00	27.27	18.18
13. Mysore	43.51	26.36	19.67
14. Punjab	42.77	29.56	15.72
15. Orissa	41.94	18.06	12.90
16. Rajasthan	32.95	26.93	26.07
17. Tamilnadu	35.65	25.22	29.15
18. Tripura	70.27	13.51	2.70
19. Uttar Pradesh	34.11	31.57	21.19
20. West Bengal	39.49	18.47	25.48
21. Pondicherry	32.29	22.92	43.75
22. Delhi	27.45	29.41	23.53
23. Chandigarh	31.25	18.75	6.25
24. Goa	27.78	38.89	30.56

TABLE-II.2 *Cumulative responses on sharing of work in the household.*

Responses	Percentage	
1. Entirely male	3.11)	) 15.16
2. Mainly male	12.05)	
3. Equally shared		16.97
4. Mainly female	30.38)	) 67.81
5. Entirely female	37.43)	
Total		99.94

TABLE-II.2A *Cumulative responses on sharing of work by Rural/Urban background of respondents.*

Responses	Rural	Urban
1. Entirely malé	2.11%	4.27%
2. Mainly male	7.04	17.94
3. Equally shared	12.42	22.33
4. Mainly female	33.37	26.87
5. Entirely female	45.03	28.47
Total	99.97	99.88

TABLE—II 2B

Cumulative responses on sharing of work by Religion

	Religion	Entirely Male	Mainly Male	Equally shared	Mainly Female	Entirely Female
1	Hindu	2 68%	11 49%	16 70%	20 25%	28 81%
2	Muslim	5 37	6 87	17 01	35 22	35 52
3	Parsi	0 00	35 29	23 53	13 66	23 53
4	Buddhist	3 03	9 09	21 21	36 36	30 30
5	Christian	5 90	21 77	18 14	27 66	26 30
6	Jew	0 00	0 00	14 29	28 57	54 14
7	Jain	4 05	16 22	31 08	29 73	18 92
8	Sikh	1 83	10 09	15 60	31 19	41 28

TABLE—II 2C

Cumulative responses on sharing of work by Caste

	Caste Groups	Entirely Male	Mainly Male	Equally Shared	Mainly Female	Entirely Female
1	Upper Caste Hindu	3 34	14 72	20 01	29 22	32 05
2	Middle Caste Hindu	2 50	12 67	17 93	31 47	35 26
3	Lower Caste Hindu	1 59	5 67	12 47	33 67	46 60
4	Scheduled Castes	0 27	1 33	7 96	40 32	50 13
5	Non Hindu Castes	5 06	15 18	18 30	30 95	30 57

TABLE—II 2D

Cumulative responses on sharing of work by State

	State/Union Territories	Entirely Male	Mainly Male	Equally Shared	Mainly Female	Entirely Female
1	Andhra Pradesh	3 45%	22 26%	30 09%	26 96%	17 24%
2	Assam	1 0	6 25	20 83	11 46	60 42
3	Bihar	3 06	26 53	22 45	25 51	22 45
4	Gujarat	1 23	10 25	12 70	26 23	49 59
5	Haryana	1 76	4 02	9 05	36 18	48 74
6	Himachal Pradesh	4 76	2 38	13 10	35 71	44 05
7	Kashmir	7 02	8 77	8 77	42 11	33 33
8	Kerala	5 05	16 67	20 45	27 53	30 30
9	Madhya Pradesh	2 15	12 20	14 63	36 87	34 15
10	Maharashtra	3 33	17 14	27 27	28 31	23 64
11	Manipur	2 47	2 47	11 11	29 63	54 32
12	Meghalaya	0 00	13 64	13 64	36 87	34 15
13	Mysore	2 93	13 81	14 23	27 62	41 42
14	Punjab	1 89	11 32	14 47	32 08	40 25
15	Orissa	5 16	12 90	21 29	23 87	36 77
16	Rajasthan	2 01	6 59	13 18	36 39	41 83
17	Tamilnadu	2 13	11 88	14 24	27 13	36 77
18	Tripura	8 11	35 14	27 03	18 92	10 81
19	Uttar Pradesh	4 24	6 99	19 49	38 14	31 14
20	West Bengal	6 37	19 75	22 93	21 66	29 30
21	Pondicherry	0 00	4 17	8 33	17 71	69 79
22	Delhi	4 90	13 73	12 75	26 47	42 16
23	Chandigarh	31 25	12 50	18 75	37 50	0 00
24	Goa	8 33	8 33	11 11	27 73	44 44

TABLE—II.3

Percentage distributian of responses on decision-making on expenditure in Househald.

Question: In every household decisions have to be taken about the amount to be spent on different items. It may be entirely in the hands of males, or in the hands of females, or in the hands of both with equal participation, or mainly in the hands of female members. Or, this may be in the hands of someone else. What is the pattern of decision-making in your family ?

Items of Expenditure	*Entirely Male*	*Mainly Male*	*Equally Shared*	*Mainly Female*	*Entirely Female*	*Any other*	*Not men-tioned*	*Total*
1. Expenditure on food	21.72	2.75	42.17	3.55	28.18	0.23	1.40	100.00
2. Expenditure on clothing.	24.49	3.68	48.69	2.86	18.70	0.27	1.31	100.00
3. Expenditure on house-hold necessities.	21.72	3.53	47.22	3.52	22.06	0.18	1.77	100.00
4. Expenditure on Education.	33.96	7.17	40.48	0.77	9.66	0.25	7.71	100.00
5. Expenditure on Marriage of children & relatives.	21.92	4.96	56.11	1.29	9.32	0.25	6.15	100.00
6. Expenditure on gifts and presents.	20.15	4.44	55.65	2.18	13.15	0.43	4·00	100.00
7. Expenditure on recreation.	25.20	6.14	48.37	1.16	11.48	0.43	7.22	100.00
8. Expenditure on major purchases and major capital investments.	35.77	8.91	40.23	0.87	8.17	0.30	5.75	100.00
9. Expenditure on visiting place and people.	28.00	6.91	48.94	1.30	10.07	0.32	4.46	100.00
10. Expenditure on attending ceremonies and								100.00

TABLE—II.4

Camulative responses on decision-making on expenditure

Responses	*Percentage*	
1. Entirely male.	39.54)	) 86.79
2. Mainly male.	47.25)	
3. Equally shared.		12.51
4. Mainly female.	0.20)	) 0.70
5. Entirely female.	0.50)	

TABLE—II 4 A

Cumulative responses on decision making on expenditure by Rural/Urban background of respondents

	Responses	Rural	Urban
	Entirely male	45 85%	32 43%
	Mainly male	41 82	53 86
	Equally shared	11 93	13 20
4	Mainly female	0 23	0 16
5	Entirely female	0 03	0 08
	Total	99 86	99 73

TABLE—II 4 B

Cumulative responses on decision making on expenditure by Religion

	Religion	Entirely Male	Mainly Male	Equally Shared	Mainly Female	Entirely Female
1	Hindu	40 77%	46 36%	12 48%	0 20%	0 04%
2.	Muslim	44 18	39 70	15 22	0 30	0 30
3	Parsi	17 65	58 82	23 53	0 00	0 00
4	Buddhist	51 52	39 39	9 09	0 00	0 00
5	Christian	27 89	58 73	12 70	0 00	0 00
6	Jew	0 00	100 00	0 00	0 00	0 00
7	Jain	36 49	54 05	9 46	0 00	0 00
8	Sikh	34 36	55 05	9 17	0 00	0 00

TABLE—II 4 C

Cumulative responses on decision making on expenditure by Caste

	Caste Groups	Entirely Male	Mainly Male	Equally Shared	Mainly Female	Entirely Female
1	Upper Caste Hindu	35 97%	50 91%	12 55%	0 36%	0 15%
2	Middle Caste Hindu	36 72	46 31	13 26	0 17	0 00
3	Lower Caste Hindu	50 68	38 66	10 20	0 23	0 00
4	Scheduled Castes	47 21	39 79	12 73	0 27	0 00
5	Non Hindu Castes	33.93	51.65	13 84	0 15	0 15

TABLE—II.4.D

Cumulative responses on decision-making on expenditure by States.

State/Union Territories	Entirely Male	Mainly Male	Equally Shared	Mainly Female	Entirely Female
1. Andhra Pradesh	33.23%	52.35%	14.11%	0.31%	0.00%
2. Assam	39.58	43.75	15.62	1.04	0.00
3. Bihar	31.63	46.94	20.41	0.00	0.00
4. Gujarat	35.66	51.64	12.70	0.00	0.00
5. Haryana	45.23	43.47	11.06	0.25	0.00
6. Himachal Pradesh	51.19	44.05	3.57	0.00	0.00
7. Kashmir	43.86	43.86	12.28	0.00	0.00
8. Kearal	30.56	62.88	6.57	0.00	0.00
9. Madhas Pradesh	38.16	51.65	9.76	0.29	0.14
10. Mahur htra	43.12	45.45	10.39	0.26	0.00
11. Manaipur	40.74	45.68	13.58	0.00	0.00
12. Megihalaya	4.55	81.82	13.64	0.00	0.00
13. Mysore	49.79	39.33	10.38	0.00	0.00
14. Punjab	29.56	56.60	13.21	0.63	0.00
15. Orissa	38.06	49.68	12.26	0.00	0.00
16. Rajasthan	35.53	47.28	16.62	0.29	0.29
17. Tamilnadu	43.16	43.05	13.29	0.11	0.00
18. Tripura	51.35	32.43	16.22	0.00	0.00
19. Uttar Pradesh	37.15	44.92	16.74	0.21	0.21
20. West Bengal	52.23	34.39	12.74	0.64	0.00
21. Pondicherry	56.25	31.25	12.50	0.00	0 00
22. Delhi	36.27	44.12	19.61	0.00	0.00
23. Chandigarh	18.75	81.25	0.00	0.00	0.00
24. Goa	41.67	41.67	16.67	0.00	0.00

TABLE—II.5

Decision-Making on things to be bought, etc.

Question : Besides expenditure, decisions have to be taken as regards what particular things to be bought, or where exactly to go, and what exactly to do. These decisions may be taken entirely by female members, entirely by male members or shared by both with equal participation, or mainly by male members, or mainly by female members. Or this may be in the hands of someone else. What is the pattern in your family ?

Items of Decision-making.	Entirely Male	Mainly Male	Equally Shared	Mainly Female	Entirely Female	Any other	Not mentioned	Total
1. Foodstuffs to be purchased	14.24	3.50	37.16	8.83	34.37	0.28	1.67	100.00
2. Clothing.	16.99	5.39	49.51	5.98	19.88	0.32	1.93	100.00
3. School the children should attend.	28.86	7.19	45.49	1.37	8.64	0.41	8.04	100.00
4. Gifts to be given	18.99	4.93	54.85	3.55	13.37	0.34	3.97	100.00
5. Recreation and outings.	23.52	5.98	51.17	2.23	9.89	0.50	6.71	100.00

TABLE—II 6

Cumulative responses on Decision Making on things to be bought etc

	Responses	Percentage	
1	Entirely male	22 17)	) 68 47
2	Mainly male	46 30)	
3	Equally shared		31 14
4	Mainly female	0 00)	) 0 11
5	Entirely female	0 11)	
	Total		99 72

TABLE—II 6 A

Cumulative responses on Decision Making on things to be bought etc by Rural/Urban background of Respondents

	Responses	Rural	Urban
1	Entirely male	27 68	15 69
2	Mainly male	44 50	48 43
3	Equally shared	27 49	35 42
4	Mainly female	0 00	0 00
5	Entirely female	0 13	0 08
	Total	99 80	99 62

TABLE II 6 B

Cumulative Responses on Decision Making on things to be bought etc by religion

	Religion	Entirely male	Mainly male	Equally shared	Mainly female	Entirely female
1	Hindu	23 28%	46 34%	30 01%	0 00%	0 11%
2	Muslim	30 15	40 60	28 96	0 00	0 00
3	Parsi	5 88	29 41	64 71	0 00	0 00
4	Buddhist	27 27	39 39	33 33	0 00	0 00
5	Christian	9 75	46 49	43 31	0 00	0 00
6	Jew	0 00	57 14	42 86	0 00	0 00
7	Jain	12 16	55 41	31 08	0 00	0 00
8	Sikh	11 93	58 72	28 44	0 00	0 00

TABLE-II 6 C

Cumulative Responses on Decision Making on things to be bought etc by Caste

	Caste Groups	Entirely male	Mainly male	Equally shared	Mainly female	Entirely female
1	Upper Hindu Caste	19 58%	49 38%	30 38%	0 00%	0 15%
2	Middle Caste Hindu	19 05	48 62	31 72	0 00	0 09
3	Lower Caste Hindu	29 93	44 44	25 51	0 00	0 00
4	Scheduled Castes	35 01	43 24	21 75	0 00	0 00
5	Non Hindu Castes	18 75	43 90	37 05	0 00	0 15

TABLE—II.6.D

Cumulative Responses on Decision-Making on things to be bought, etc. by States.

States/Union Territories	Entirely male	Mainly male	Equally shared	Mainly female	Entirely female
1. Andhra Pradesh	13.79%	43.57%	42.32%	0.00%	0.31%
2. Assam	20.83	32.29	46.87	0.00	0.00
3. Bihar	12.24	41.84	44.90	0.00	1.02
4. Gujarat	15.16	50.82	34.02	0.00	0.00
5. Haryana	25.13	54.27	20.60	0.00	0.00
6. Himachal Pradesh	21.43	53.57	25.00	0.00	0.00
7. Kashmir	33.33	35.09	31.58	0.00	0.00
8. Kerala	11.87	52.53	35.61	0.00	0.00
9. Madhya Pradesh	23.67	54.95	21.09	0.00	0.14
10. Maharashtra	25.45	40.52	32.47	0.00	0.26
11. Manipur	9.88	53.09	34.57	0.00	0.00
12. Meghalaya	0.00	36.36	63.64	0.00	0.00
13. Mysore	34.31	44.77	19.67	0.00	0.00
14. Punjab	10.69	59.75	28.93	0.00	0.63
15. Orissa	10.32	51.61	38.06	0.00	0.00
16. Rajasthan	21.20	50.53	28.37	0.00	0.00
17. Tamilnadu	25.56	41.59	32.51	0.00	0.00
18. Tripura	18.92	35.14	43.24	0.00	0.00
19. Uttar Pradesh	24.15	44.07	31.57	0.00	0.00
20. West Bengal	37.58	24 07	31.57	0.00	0.00
21. Pondicherry	35.42	33.33	31.25	0.00	0.00
22. Delhi	22.55	39.22	38.24	0.00	0.00
23. Chandigarh	18.75	43.75	37.50	0.00	0.00
24. Goa	33.33	27.78	38.89	0.00	0.00

TABLE—II.7 *Decision-Making on educational career, Job selection and Marriage of Children.*

Question: In a family decisions have to be taken on matters like educational career of children, marriage of children and so on. What is the pattern in your family? Does the person himself/herself decide about these matters or it is done entirely by male members, or entirely by female members, or shared by all, but mainly by female members or mainly by male members.

Items of Decision-making	Male members	Mainly male	All together	Mainly female	Female members	Himself herself	not mentioned	Total
1. Educational career of son.	28.18	10.26	28.63	0.55	3.87	13.58	14.93	100.00
2. Educational career of daughter.	21.81	11.26	30.50	1.23	7.21	10.96	17.03	100'00
3. Job the son should take.	26.45	7.96	23.09	0.59	3.41	18.20	20.30	100.00
4. Job the daughter should take.	17.56	8.37	25.99	1.30	6.19	12.48	28.11	100.00
5. Daughter's marriage partner.	12.30	12.80	46.16	1.39	4.23	6.09	17.03	100.00
6. Son's marriage partner.	11.65	11.44	44.23	1.70	4.82	7.85	18.31	100.00

CHAPTER — III

PLACE OF WOMEN IN FAMILY

If we start with the hypot ... equal, the treatment which they get ... which the female members ... them In order to find out ... extent, questions were asked ... members in terms of the observance of Purdah and other ...

Treatment to Boys and Girls

Most of the respondents agreed that people react differently to the birth of a girl and the ... of a boy in their family (Table III 1) Having arrived in a family where a girl finds ... a boy, she faces the day to day problem of the ... on was put to the respondents

Who gets better treatment in regard to food, clothes, education and medical care ? Boys or girls ?

Though the largest percentage of respondents said that boys and girls get equal treatment (Table—III 2), a significant percentage of respondents did indicate that the boys get better treatment, specially with regard to education and food Such discrimination is markedly higher in rural areas where specially with regard to education, boys are treated better (Table—III 2 A)

The next question was about the pattern in which meal is served in the family

> In some families, the male members are first served with the meals and the women eat later, in others they eat together, in still other, women eat before the male members What about your family ?

Almost half of the respondents said that the males eat first and a quarter indicated that the male and the female members both eat together (Table—III 3) The practice of serving meals first to the male members is indicated by a higher percentage of respondents from rural areas, but such percentage in urban area is also quite significant (Table—III 3 A) In urban areas however, the percentage of respondents who said that the males and females both eat together is markedly higher than in rural areas

Prevalence of Purdah and Other restrictions

The system of Purdah has always been regarded as a phenomenon indicating the place of women who have to accept this restriction from some members of their own family, as well as from outsiders The following question was asked to find out the incidence of Purdah

> We find that in many parts of the country women observe Purdah or cover their head in the presence of elders What do you do ? In the presence of whom do you observe Purdah or cover your head ?

... response to this question thirty per cent of the respondents said that they did observe ... of their father in law and husband's elder brother ... ough slightly more prevalent in rural areas is not ... III 4 A) An interesting feature is that in terms of caste groups, the ... is observed more by the middle caste Hindu and Scheduled Castes, then other caste groups (Table—III 4 B) Among the different religions, a higher percentage of resp ... belonging to the Muslim and Jain religions indicated that they observed Purdah ... closely (Table—III 4 C) The distribution ... terms of the States and Union Territo ... s of the South i e Andhra Pradesh Kerala, Mysore, ... where such percentage was almost non existent, the States which revealed ... r

of respondents following Purdah, were Haryana, Himachal Pradesh, Manipur, Rajasthan and Delhi (Table—III.4.D).

Further, almost a third of the respondents said that they observed Purdah and covered head in the presence of outsiders (Table—III.5). This practice is prevalent more in rural areas (Table—III.5.A) and among middle caste Hindus and members of the Scheduled Castes (Table—III.5.B). This percentage is also remarkably high among the Muslims (Table—III.5.C).

Purdah, however, is limited to the household, as more than half of the respondents said that they did not observe Purdah when they went out (Table—III.6) : such percentage is higher in urban areas than in rural areas (Table—III.6.A). In terms of the religious groups, a higher percentage of Muslims observed this practice (Table—III.6.B).

In addition to the practice of Purdah, there are certain restrictions in talking relationships. More than a quarter of the respondents said that such restrictions existed in their relationship with their father-in-law, husband's elder brother and husband's elder sister (Table—III.7). Affirmative responses to this question increases as we come down from the upper caste Hindus to Scheduled Castes (Table—III.7.A).

Similar percentages are evidenced when respondents were asked if in the presence of elders they were supposed to talk to their husband (Table—III.8). This restriction is practised more in rural areas (Table—III.8.A). Interestingly, more members of the upper and middle caste Hindu families observe this restriction than those from lower and Scheduled Castes (Table—III.8.B).

Summary

The data indicates that the reaction of the family is different towards girl's right from the birth of a child. A girl is born and brought up in an atmosphere where given a choice, the family would have rather preferred a boy. This attitude of acceptance rather than according a welcome to the arrival of a female child affects the female's existence. Though a respectable percentage of respondents indicated that boys and girls get 'equal treatment' in the family, a significant preference to boys was evidenced with regard to food and education. Such differences, though higher in rural areas, were not altogether absent from the urban areas.

The practice of serving meals first to the male members of the family was mentioned by more than fifty per cent of the respondents. Again, the urban respondents did not say that their families were free from this practice.

The system of Purdah is prevalent both with respect to the elders in the family, as well as with outsiders. Another practice, very much like Purdah, is the covering of head by women. Both these practices are prevalent in urban families. Another group where Purdah and covering of head is practised is that of the middle Caste Hindus and Scheduled Castes.

In addition to the restrictions of Purdah, the women are subjected to another kind of restriction in terms of talking relationships in the family. The relatives with whom such restrictions are prevalent are father-in-law, husband's elder brother and husband's elder sister. In the presence of these elders, the women are also not supposed to talk to their husband. In contrast to the earlier restriction which is practised more among lower castes, restrictions in communication with husband is more prevalent among higher castes.

In addition to these generalisations it shoud be noted that the process of urbanisation has not been effective in bringing about any major change in the family practices like Purdah and other restrictions. The difference between the rural and urban families is marginal with respect to these practices.

TABLE-III 1 Percentage distribution of responses regarding reaction to the birth of a girl and of a boy.

Question: Do you find that people react differently to the birth of a girl and the birth of a boy in their family?

Responses	*Percentage*
Yes	44.57
No	35.41
No response	20.02
Total	100.00

TABLE–III 2 Percentage distribution of responses regarding treatment boys and girls in the family

Question Who get better treatment in regard to food, clothes education and medical care? Boys or girls?

Items	*Boys get better treatment*	*Equal treatment*	*Girls get better treatment*	*No response*	*Total*
Food	13 53	79 55	3 05	3 87	100 00
Clothes	9 39	76 83	9 48	4 30	100 00
Education	25 95	66 16	2 69	5 20	100 00
Medical Care	6 34	86 15	2 95	4 57	100 00

TABLE–III 2A Percentage distribution of response regarding treatment to boys and girls in the family by Rural/Urban

Items	*Boys get better treatment*		*Equal treatment*		*Girls get better treatment*	
	Rural	*Urban*	*Rural*	*Urban*	*Rural*	*Urban*
Food	15 36%	11 38%	78 69%	80 54%	3 14%	2 95%
Clothes	11 00	7 50	75 92	77 90	9 91	8 97
Education	29 80	21 44	62 77	70 14	2 87	2 49
Medical Care	7 66	4 78	85 76	86 60	3 07	2 80

TABLE III 3 Percentage distribution of responses regarding the pattern in which meal is served

Question In some families the male members are first served with the meals and the women eat later in others they eat together in still other women may eat before the male members What about your family?

	Responses	*Percentage*
1	Males eat first	48 53
2	Females eat first	2 50
3	Both eat together	24 54
4	No definite pattern	23 06
5	No response	1 37
	Total	100 00

TABLE III 3A Percentage distribution of responses regarding the pattern in which meal is served by Rural/Urban

Responses	*Rural*	*Urban*
Males eat first	58 74%	36 50%
Females eat first	2 35	2 68
Both eat together	17 44	32 89
No definite pattern	20 28	26 33

TABLE–III.4 Percentage distribution of responses on the observance of purdah in the family.

Question : We find that in many parts of the countrywomen observe purdah or cover their head in the presence of elders. What do you do? In the presence of whom do you observe purdah or cover your head.

Items	*I do some purdah* Yes	No	No response	*I cover my head* Yes	No	No response
In the presence of father-in-law.	30.36	32.07	37.57	30.73	25.22	44.05
In the presence of mother-in-law.	16.60	41.53	41.87	28·57	28.89	42.54
In the presence of husband's elder brother.	29.89	32.38	37.73	29.20	26.11	44.69
In the presence of husband's elder sister's husband.	23.70	36.18	40.12	26.82	28.40	44.78

TABLE–III.4A Percentage distribution of responses on observance of Purdah in the family by Rural/Urban.

	Responses	*Rural*	*Urban*
Purdah	Father-in-law	32.38%	28.00%
	Mother-in-law	18.00	1 .95
	Husband's elder brother	32.61	26.72
	Husbands elder sister's husband.	25.97	21.05
Cover head	Father-in-law	31.58	29.71
	Mother-in-law	29.63	27.30
	Husband's elder brother.	29.93	28.31
	Husband's elder sister's husband.	28.44	24.89

TABLE–III.4B Percentage distribution of responses on the observance of Purdah in the family by Caste-groups.

Caste-groups	*I do some purdah in the presence of*				*I cover my head in the presence of*			
	Father-in-law	*Mother-in-law*	*Husband's elder brother*	*Husband's elder sister's husband*	*Father-in-law*	*Mother-in-law*	*Husband's elder brother*	*Husband's elder sister's husband*
1. Upper Caste Hindu	32.27%	17.84%	30.96%	25.82%	36.48%	34.37%	34.52%	32.20%
2. Middle Caste Hindu	36.98	19.31	36.90	29.31	34.48	31.72	33.02	30.26
3. Lower Caste Hindu	31.86	17.57	33.11	26.30	26.08	26.64	24.26	23.81
4. Scheduled Castes	35.28	15.92	36.07	24.93	33.95	34.48	31.03	30.24
5. Non-Hindu Castes	21.43	13.39	19.49	16.96	23.51	21.13	23.81	20.68

TABLE III 4 C

Observance of Purdah in the Family by Religion

Religion	*Father in Law*	*Mother in law*	*Husband's elder brother*	*Husband's elder sister's husband*
Hindu	32 08	17 23	31 93	25 05
Muslim	40 00	26 27	37 61	34 33
Parsi	23 53	17 65	23 53	23 53
Buddhist	12 12	9 09	15 15	12 12
Christian	4 08	2 95	3 63	3 63
Jew	14 29	14 29	14 29	14 29
Jain	39 19	22 97	28 38	25 68
Sikh	44 04	16 51	42 20	23 85
Tribal Religion	0 00	0 00	0 00	0 00

TABLE III 4 D

Observance of Purdah in the Family by States

	State/Union Territories	*Father in law*	*Mother in law*	*Husband's elder brother*	*Husband's elder sister's husband*
1	Andhra Pradesh	9 40	3 13	9 40	3 76
2	Assam	31 25	31 25	30 21	29 17
3	Bihar	29 59	16 33	33 67	17 35
4	Gujarat	41 80	27 87	43 85	33 20
5	Haryana	72 61	24 37	66 83	58 79
6	Himachal Pradesh	51 19	20 24	41 67	36 90
7	Kashmir	31 58	19 30	28 07	24 56
8	Kerala	4 29	3 79	4 29	4 29
9	Madhya Pradesh	42 90	24 53	46 63	36 15
10	Maharashtra	16 88	13 25	14 55	13 77
11	Manipur	58 02	13 58	55 56	12 35
12	Meghalaya	0 00	0 00	4 55	0 00
13	Mysore	5 44	4 18	5 44	5 86
14	Punjab	44 65	11 95	38 36	23 27
15	Orissa	27 74	18 06	39 35	22 58
16	Rajasthan	62 18	45 56	57 88	53 58
17	Tamilnadu	4 93	3 70	4 3[illegible]	4 82
18	Tripura	35 14	35 14	37 87	27 03
19	Uttar Pradesh	46 40	20 34	44 28	34 9[illegible]
20	West Bengal	29 30	25 48	30 57	21 0[illegible]
21	Pondicherry	11 04	0 00	1 04	1 0[illegible]
22	Delhi	60 78	32 35	58 82	50 0[illegible]
23	Chandigarh	0 00	0 00	0 00	0 [illegible]
24	Goa	0 00	0 00	0 00	0 [illegible]

TABLE-III.5 *Percentage distribution of responses on observance of Purdah in the presence of outsiders.*

Question : Do you observe purdah or cover your head in the presence of outsider ?

Items	*Yes*	*No*	*No response*	*Total*
1. Purdah	32.41	38.89	28.70	100.00
2. Cover head	30.66	30.48	38.86	100.00

TABLE-III.5.A *Percentage distribution of responses on observance of Purdah in presence of outsiders by Rural/Urban*

Responses	*Rural*	*Urban*
I observe Purdah	35.91%	28.27%
I cover my head	32.47	28.54

TABLE-III.5.B *Percentage distribution of responses on observance of Purdah in the presence of outsiders by Caste-groups.*

Caste Groups	*I observe purdah*	*I cover my head*
1. Upper Caste Hindu	31.04%	34.01%
2. Middle Caste Hindu	35.86	32.76
3. Lower Caste Hindu	34.58	31.18
4. Scheduled Castes	43.50	30.77
5. Non-Hindu Castes	32.29	29.91

TABLE-III.5.C *Observance of Purdah in the presence of outsiders by Religion.*

Religion	*Yes*	*No*
Hindu	32.70	39.08
Muslim	62.99	22.09
Parsi	29.41	41.18
Buddhist	33.33	24.24
Christian	4.31	49.21
Jew	14.29	57.14
Jain	47.30	37.84
Sikh	35.78	43.12
Tribal	11.11	50.00

[T]ABLE—III 5 D

Observance of Purdah in the presence of outsiders by States

[U]nion [Territo]ries		Yes	No
[1]	[A]ndhra Pradesh	5 02	68 34
[2]	[A]ssam	47 92	28 12
[3]	Bihar	41 84	38 78
[4]	Gujarat	51 64	27 87
[5]	Haryana	59 80	22 61
[6]	Himachal Pradesh	51 19	27 38
[7]	Kashmir	40 35	33 33
[8]	Kerala	5 81	43 43
[9]	Madhya Pradesh	52 94	31 99
[10]	Maharashtra	25 19	46 49
[11]	Manipur	19 75	51 85
[12]	Meghalaya	0 00	54 55
13	Mysore	10 04	38 08
14	Punjab	37 11	39 62
15	Orissa	43 87	35 48
16	Rajasthan	51 00	21 49
17	Tamilnadu	6 61	52 80
18	Tripura	45 95	24 32
19	Uttar Pradesh	45 45	32 42
20	West Bengal	29 94	29 30
21	Pondicherry	6 25	39 58
22	Delhi	52 94	35 29
23	Chandigarh	12 50	62 50
24	Goa	8 33	38 89

TABLE—III 6

Percentages distribution of responses regarding observance of Purdah on visits outside

Question		Do you observe purdah when you go out ?
Responses		*Percentage*
1	Yes	18 88
2	No	55 63
3	Sometimes	13 60
4	No response	28 89
	Total	100 00

TABLE—III 6A

Percentage distribution of responses regarding observance of Purdah on visits outside by Rural Urban

Responses	*Rural*	*Urban*
Yes	21 34%	16 09%
No	[illegible]3 32	[illegible]8 37
Sometimes	0.24	14 02